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THE MISSISSIPPI VALLEY HISTORICAL REVIEW

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A PRE-REVOLUTIONARY REVOLT IN THE OLD SOUTHWEST [1]

By Archibald Henderson

George Washington wrote to Bryan Fairfax on July 20, 1774: "I think the Parliament of Great Britain have no more right to put their hands into my pocket, without my consent, than I have to put my hands into yours. . . ." [2] This arresting figure of speech, forcibly employed by "the greatest man of modern times," who was likewise one of the leading land speculators of his day, epitomizes in a phrase one of the strongly contributory, if not one of the primarily controlling, motives which drew the South into the Revolution.

Dazzled by the classic tropes of the earlier historians and biographers, we have almost unconsciously drifted into the habit of visualizing the Revolutionary leaders, especially in the southern colonies, as lofty souls transmigrated from Greece, Rome, and Carthage, spouting Bartlettian tags, classic to the ears of every American schoolboy. These eidolons of liberty have seemed to dwell aloft in a rarefied atmosphere of antique cour-

[1] Failure on the part of American historians to investigate the rich documentary sources in the South and Southwest is now compelling the rewriting of their colonial history. One phase of this, to which the present research is dedicated, is the determination of the true motive forces which, in the southern region, led to espousal of the Revolutionary cause. The brilliant, lamented Alvord pointed the way in his *The Mississippi Valley in British Politics* (Cleveland, 1917); but that remarkable work ends, both temporally and geographically, on the threshold of the problem considered in the present paper. In the course of investigations, extending over many years, into the history of Transylvania, I have arrived at the views herein set forth. Principal sources have been the original papers of the Ohio, Indiana, Illinois, Wabash, Loyal, Greenbrier, and Transylvania land companies; the Virginia Council Journals for the years immediately preceding the Revolution, which have evidently not been utilized by historians; the records of the East India Company; the Draper and Durrett collections; and the correspondence, including many unpublished letters, among others of Dunmore, Washington, Jefferson, Henry, Mason, Pendleton, Lewis, Wharton, Henderson, Stuart, Trent, Preston, and Floyd; and original petitions of the pioneer settlers of North Carolina, Tennessee, Virginia, and Kentucky.

[2] Jared Sparks (ed.), *Writings of George Washington* (Boston, 1833), II, 394.

age, ethereal generality, Spartan virtue, and Platonic republicanism. Washington is the Cato, Henry the Demosthenes, Richard Henry Lee the Cicero, Pendleton the Nestor, Jefferson the Aristotle, Bland the Plutarch, and George Rogers Clark the Hannibal of Virginia's gallery of immortals. Natural rights, fundamental principles, and eternal laws of justice seem embodied in these marmoreal protagonists of Liberty and antagonists of Tyranny in the superhuman drama of the Revolution.

The great leaders of the Revolution were indubitably men of elevated character and noble motives, fervently engaged in writing a new chapter in human liberty. We shall, however, arrive at a very romantic and partial aspect of the "truth of history" if we persist in representing these human beings as demigods, aloof from all mundane considerations. "Men are apt to blend the idealistic and the materialistic sides of matters in a single view," says a great American historian, "so that it would be hard for them to separate the two. Often a person's idea of constitutional reform in the achievement of liberty is deeply affected by his unconscious attitude toward his own interests." Back of the fierce passion for liberty, this almost lyric ardor for justice, surely lurked the material considerations of actuality. Behind this decorative arabesque of familiar quotations lay the *élan vitale*, the vital thrust, of practicality. Washington and Mason, Walker and Lewis, Henry and Henderson, Robertson and Sevier, Harrod and Clark, the pioneers of Augusta, Fincastle, Watauga, and Transylvania; these men were all animated by a common "will to power" — and to property. They were stern and ardent patriots who, none-the-less, had a speculative gaze irremovably fixed upon the promised lands of the alluring West, and with eager longing

> "yearned beyond the sky-line
> Where the strange roads go down."

During recent decades stress has been laid upon the protests of the colonists against the Boston Port Bill, the five intolerable acts of Townshend, the imposition of taxes by parliamentary action, the abrogation of the rights of British subjects in America, the violation of contract between sovereign and subject. Into our ears have been dinned the grievances of colonial mer-

chants, mariners, planters, shippers, farmers, gentlemen, rabble — against a tyrannical parliament and a despotic king. But we search in vain, in the works of leading students of the causes of the Revolution, for recognition of the smoldering wrath of acquisitive real estate promoters, speculative statesmen, land seekers and scofflaw pioneers, over the erection by the Crown of a western barrier to territorial — and financial — expansion. We have heard much of the Boston Port Bill, but little of the effect in the southern colonies of the royal proclamation of 1763; much of tea, tobacco, stamps, and the intolerable acts, but little of the Orders in Council of 1773, and of the Quebec Act and the blundering imperial land policy of 1774.

For considerably more than a quarter of a century preceding the Revolution, Virginia made vigorous and sustained efforts to promote western colonization and the settlement of unappropriated lands. In acts "for encouraging persons to settle on the waters of the Mississippi," passed in 1752 and 1753, all Protestant settlers in the vast frontier county of Augusta, which stretched "to the utmost limits of Virginia," were exempted from the payment of all public, county, and parish levies, at first for ten, and later for fifteen, years.[3] In 1754, on account of the outbreak of the French and Indian War, £10,000 was appropriated by the Virginia legislature for the protection of these same frontier settlers.[4] Between the years 1743 and 1760, the Virginia Council granted 43, many of them vast tracts of land, to individuals or groups of individuals, totaling slightly more than 3,000,000 acres. The grants for vast tracts were made before August 27, 1754; for in an official report of John Blair, clerk of the Council, laid before the House of Burgesses on December 6, 1769, it is stated that no grants larger than 1,000 acres had been granted for lands "lying to the Westward of the ridge of Mountains which separates the Rivers Roanoke James and Potomac from the Mississippi" since February 12, 1755, the date of the Governor's proclamation, or indeed since August 27, 1754, the date of the Governor's instructions.[5] The vast

[3] William Waller Hening, *The Statutes at Large, Being a Collection of All the Laws of Virginia, from the First Session* (Richmond, 1819), VI, 258, 355-56.

[4] *Ibid.*, VI, 417-20, 468-70.

[5] Ohio Company Papers, I (J), 80 ff., in the library of the Pennsylvania His-

early grants included 800,000 acres to the Loyal Land Company (July 12, 1749); 500,000 acres to the Ohio Land Company (July 12, 1749); and 100,000 acres to the Greenbrier Company (October 29, 1751). According to Washington, writing in 1770, there were then between six and seven million acres on the Council's books, either actually granted or petitioned for.[6] Between 1759 and 1764, it seems, no petitions were made for land to the westward, but after the latter date "there was an ever-increasing number of applicants for favor."[7]

In the lists of the grantees were found many of the greatest names of Virginia, as well as men of prominence in the adjoining colonies, including governors, and presidents and members of the Council. In these lists appear such names as Washington, Lee, Dinwiddie, Taylor, Mason, Carter, Nelson, Lewis, Walker, Jefferson, Meriwether, Fry, Maury, Willis, Henry, Mercer, Preston. Governors, councilmen, gentlemen, commoners — all seemed to be united in a sort of gigantic, loose, yet interlocking corporation of "land-plungers." Like Governor Fauquier, they foresaw the establishment of a new colony beyond the mountains. They dreamed of making fabulous fortunes in a transmontane, terrestrial paradise, girdled with virgin forests, threaded with sparkling Rivers of Doubt, and stocked with huge herds of buffalo and wild game.

Out of this region of golden promise, the British assertion of imperial rights in the control of the West, in the sixties, came like a thunder clap. After playing a crucial rôle in the opening act of the French and Indian War, and expending considerable sums in the construction of roads, depots, and forts, the Ohio Company was just preparing to establish settlements on its grants when Colonel Bouquet issued his drastic proclamation of October 30, 1761. Declining the glittering temptation of

torical Society. In Samuel Wharton, *Statement for the Petitioners in the Case of the Walpole Company* (n.p., 1771), Appendix 5, there appears a list of the most important petitioners and grantees, including a number of members of the Governor's Council prior to 1763 — as cited by Alvord, *op. cit.*, II, 110, note 186, 317.

[6] George Washington to his brother Charles, Jan. 31, 1770, in MISSISSIPPI VALLEY HISTORICAL REVIEW, I, 99. This list, found among the Washington Papers (Library of Congress), has been published in the *Virginia Magazine of History and Biography*, V, 175 ff., 241 ff.

[7] Alvord, *op. cit.*, II, 110-11.

a share of stock in the Ohio Company, Bouquet forbade the settlement of His Majesty's subjects beyond the Allegheny Mountains, without the consent of the general or governor of the particular province. This temporary military control was but the prelude to imperial control — announced first in the royal instructions of December, 1761, and later in the royal proclamation of October 7, 1763, forbidding settlement to the westward of the sources of the rivers which flow into the Atlantic.

There appear to have been, among others, at least three principal reasons for this new, restricted policy of western delimitation. It was designed for the purpose of securing for the future, peaceful relations with the Indian tribes, which had been continually embroiled with the whites because of unlawful encroachment upon their lands, by the running of a definite boundary line. It clearly appears to have been the design of the Board of Trade to take the power of granting western lands out of the hands of the colonial governors and ultimately to center it in the Crown. A third and paramount object was to regulate the Indian trade. The proclamation was not designed to prohibit permanently the future westward advance of the colonies, or to keep them forever restricted to the coast. This was specifically indicated in the phrase in the proclamation, "for the present."

By the southern colonies, and especially by Virginia with her arrogant but hazy charter claims to vast western territory, the proclamation was regarded as a tyrannical curtailment of their liberties for the benefit of the fur trade. In Virginia, the speculators and land-plungers were balked in their grandiose schemes; the great land companies foresaw the collapse of their colossal projects; and even the officers and soldiers felt themselves deprived of the opportunity to exploit the West, through lands to be granted them for military services. In later years, Edmund Pendleton voiced the prevailing sentiment in Virginia after 1763 in the assertion that, by the proclamation, the British ministry designed to oppress America and stop the settlement of the frontier region, because it was too remote to be easily subjugated.[8] In spite of Lord Shelburne's impatience with what

[8] Bill filed in suit, in High Court of Chancery, Richmond, Va., in 1799, by Edmund Pendleton and Nicholas Lewis, surviving members of the Loyal Land Company,

he called "the nonsense of the Charters," Virginians of the stamp of Washington, Mason, Pendleton, Henry, and Richard Henry Lee never wavered in their assertion that Virginia was a vast continental territory, with southern boundary stretching due west, and northern boundary northwest from the ocean to some mythical "South Sea." To Virginians, the abrogation of Virginia's charter in 1624 was understood, as Tyler phrases it, "to affect the government only and not the political existence of the colony within the original bounds, which remained intact, subject in its vacant lands to the eminent domain of the King."[9]

Washington, Walker, Lewis, Nelson, and the other great Virginia land speculators decided that the wise course of procedure was to treat the royal proclamation as a "scrap of paper." Again and again, Washington speaks scornfully of it as a mere temporary expedient of government which he, for one, proposed to circumvent or disregard. Governor Dunmore, to ingratiate himself with the leading Virginians and to further his own speculative designs, boldly and disingenuously treated it as no longer in force after 1770.[10] Washington, with apparent unselfishness, volunteered to secure for his old comrades in arms the lands promised them under Dinwiddie's proclamation of 1754 and the royal proclamation of 1763. Yet it cannot be denied that, while exerting himself for his fellow soldiers, he labored inde-

against Patton and other settlers. Pendleton's view is in a measure confirmed by the report of the Board of Trade, delivered to the Privy Council, April 29, 1772, in which it is asserted that the proclamation of 1763 was promulgated for the purpose of confining the settlements to the coast in order that they might be "within reach of the trade and commerce of this kingdom" and be maintained "in due subordination to, and dependence upon, the mother country." Public Record Office, Colonial Office Papers, 391.79, *passim*. The report is printed in Albert Henry Smyth (ed.), *Writings of Benjamin Franklin* (New York, 1907), V, 467 ff.

[9] L. G. Tyler, *History of Virginia: Federal Period, 1763-1861* (New York, 1924), 12. In speaking of the proclamation of 1763, Tyler comments: "This was a sore matter, for Virginia from the earliest times had been accustomed to look upon her boundary as extending indefinitely backward." Compare also S. M. Hamilton (ed.), *Letters to Washington and Accompanying Papers, 1752-1775* (Boston, 1898-1902), III, 154-56, 163-69.

[10] Writing to his agent, William Crawford, in 1767, for example, Washington says: " . . . I can never look upon that proclamation in any other light . . . than as a temporary expedient to quiet the minds of the Indians. . . . " Worthington C. Ford (ed.), *Writings of George Washington* (New York, 1889-93), II, 218. Cf. also Dunmore Mss., Library of Congress, C. O. 5, 1351-53; in particular, Dunmore to Dartmouth, Oct. 5, 1774.

fatigably throughout to feather his own nest. Washington's correspondence betrays his almost fierce covetousness for land; and an acquaintance describes him as "ambitious, with the fairest professions of moderation, and avaritious under the most specious appearance of disinterestedness — particularly eager in engrossing large tracts of land. . . ." [11] To distant or guileless former comrades-at-arms he represented the lands granted them as almost worthless; and all the while, through a secret agent, he was offering to purchase the derided lands for a mere bagatelle.[12] After voluminous correspondence, many meetings, a tedious journey to the Ohio, petitions to the Governor's Council, Washington finally emerged apparently triumphant in his long battle to secure for himself and others the "King's lands," as he sardonically put it, "notwithstanding the proclamation."

The great land companies were equally persistent in demanding recognition; and so powerful was their influence that Dunmore and the Council, which included a number of land-plungers among its number, finally yielded to their importunities. Favoritism and collusion, amounting almost to corruption, honeycombed the Council, land office, and inner ring of speculators.[13] The Loyal and Greenbrier companies, which had been estopped by the proclamation of 1763 from the public sale of their lands, had continued to make surveys and issue conditional grants. Finally, Dr. Thomas Walker for the Loyal, and General Andrew Lewis for the Greenbrier Company, appeared before the Council, to protest against officers' and soldiers' claims being laid on their lands. On October 16, 1773, the Council virtually decided that the original grants to these companies were still in force, and tacitly permitted surveys to be made; but declined to issue patents for the same, until the royal interdiction should be with-

[11] Sketch of Washington, by the Rev. Bennet Allen, in the London *Morning Post*, June 7, 1779. The characterization may be discounted at pleasure as the biased view of an enemy in war time.

[12] George Washington to his brother Charles, Jan. 31, 1770, in MISS. VAL. HIST. REV., I, 98-101.

[13] The governor made illegal grants of land to favorites, and to himself under cover of a corrupt agent. The Council validated surveys known to be made illegally, and winked at illegal practices of the great Virginia land companies. Say the Beards: " . . . the land office in Virginia was a sink of corruption . . . and everywhere the disposal of patronage was viewed as a branch of colonial trade." Charles A. and Mary R. Beard, *The Rise of American Civilization* (New York, 1927), I, 115.

drawn.[14] The Ohio Company was not so fortunate. After some years spent in the effort to complete the grant, George Mercer, the old Ohio Company's agent in London, agreed to merge that company with the new or Grand Ohio Company, which seemed assured of the grant of a huge tract, to include the destined fourteenth American colony, Vandalia. But Mercer's agreement was repudiated by the Virginia Ohio Company; and the much-craved grant was never obtained.[15]

On the very eve of the Revolution, many of the leading men of Virginia thus found themselves balked of their grandiose plans for exploiting the West. Patrick Henry, whom Jefferson describes as having "the reputation of being insatiable in money," had been engaged with Thomas Walker in speculation in western lands since 1767; and had definitely matured his plans in 1774.[16] In conjunction with William Byrd, a member of the Governor's Council, and others, Henry instituted negotiations with the Cherokee tribe of Indians for a section of territory in the forbidden area beyond the ministerial line.[17] Thomas Walker had represented Virginia at the treaty of Fort Stanwix in 1768. So powerful was the influence of the great land companies that Thomas Walker and Andrew Lewis, the heads of the Loyal and Greenbrier companies, secured their own appointment as Virginia's boundary commissioners at the treaty of

[14] Journals of the Virginia Council, Colonial Office, Class 5, Vol. 1440. These matters are set out in great detail in Call's *Reports* (Va.), IV, 21-35, Case of the Loyal and Greenbrier Companies, decided by the Court of Appeals of Virginia, May 2, 1783; and Hamilton *vs.* Maze, decided in June, 1791, *ibid.*, 196-213. The boldness of these companies in their real estate operations is described by John Taylor, attorney for the petitioners, who says that after the Council's decision of Oct. 16, 1773, "the companies proceeded; had further surveys made; and were prepared to carry them into grant, when the flight of the governor arrested their progress, and the subsequent events of the revolution prevented all further exertion." Actually, 973 surveys were made for the Loyal Land Company before 1776.

[15] Alvord, *op. cit.*; K. M. Rowland, *Life of George Mason* (New York, 1892); G. H. Alden, *New Governments West of the Alleghanies before 1780* (Madison, 1897); C. A. Hanna, *The Wilderness Trail* (New York, 1911).

[16] "A Memorandum of the Revolution," *The Age* (Philadelphia), July 20, 1867. This paper is published in Paul Leicester Ford (ed.), *Writings of Thomas Jefferson* (New York, 1892-99), IX, 339-45. See, also, Henderson's *Conquest of the Old Southwest* . . . (New York, 1920), 210-11.

[17] Draper Mss. (Wisconsin State Historical Society library), I CC 160-94. Compare, also, Henderson's *Conquest of the Old Southwest*, 239-40.

Lochaber in 1770! Through their efforts, the new boundary line of 1772 was run as far to the westward as possible. The line, thus run, succeeded in clearing for sale and settlement a considerable portion of the Loyal Company's land, viz. 800,000 acres to the north and west of the then-western extremity of Virginia's southern boundary line. There is reason to suspect that Colonel John Donelson, in choosing for the western boundary in 1772 the Kentucky River instead of the Louisa, as set forth in the treaty, deliberately defrauded the Indians in the interest of the Loyal Land Company. Certain it is that Virginia thereby gained for nothing from the Cherokee a very considerable tract of territory lying between the Louisa and Kentucky rivers.[18]

A new danger now threatened, in the shape of the Orders in Council, issued by the Board of Trade on April 7, 1773.[19] Further restrictions upon the powers of the royal governors in the granting of lands were planned; and for the present all officials in America entrusted with the disposal of royal lands were forbidden to issue any warrant of survey or pass any patents for lands or grant any license for the purchase by private persons of any lands from the Indians without special orders. The detailed instructions to the royal governors, issued on February 3, 1774, contained as principal features: that lands in unoccupied portions of the provinces not beyond the ministerial line were to be surveyed; and lots, of not less than one hundred and not more than one thousand acres, were to be sold at auction, at a minimum price of six pence per acre, with an annual quitrent of one halfpenny sterling per acre, and the reservation of all mines of gold, silver, and precious stones.[20] The controlling motives in these regulations, which more than doubled the price of lands, were to increase the revenue and to discourage emigration from Great Britain.

[18] Alvord, *op. cit.*, II, 83 ff. Consult also Reuben Gold Thwaites and Louise Phelps Kellogg, *Documentary History of Dunmore's War, 1774* (Madison, 1905), 5, 20, 26.

[19] Journals of the Virginia Council, Class 5, Vol. 1440, Council minutes of Oct. 11, 1773. *North Carolina Colonial Records*, IX, 667-68.

[20] E. B. O'Callaghan (ed.), *Documents Relative to the Colonial History of the State of New York* . . . (Albany, 1857), VIII, 410 ff. In both the above-mentioned documents exception is made of the lands promised to officers and soldiers under the terms of the royal proclamation of 1763.

The new regulations, embodying imperial land control, met with vigorous opposition in the southern colonies.[21] The tide of discontent began to rise. Dunmore, on the eve of becoming deeply involved in land speculations in the Illinois and Wabash companies, and in Kentucky through his agent, the notorious Connolly; engaged in a violent controversy with Pennsylvania over questions of boundary and jurisdiction; and embroiled in a war with the Indian tribes — deliberately flouted the Orders in Council of 1773 and suppressed the instructions of 1774.[22] In a contemporary letter, Colonel Thomas Lewis says that Dunmore spoke in a jocular and disrespectful manner of the new regulations.[23] It was evident that he had no intention of carrying out the instructions in Virginia. Protest against the imminent establishment of the colony of Vandalia now was heard in the form of a vigorous petition from the pioneer settlers of Augusta, Botetourt, and Fincastle counties. Like expatriated settlers of an American Alsace-Lorraine, they made a firm stand for self-determination, praying not to be separated from the colony to which they had always belonged.[24] Dunmore protested to Dartmouth, on behalf of the people of Virginia, against granting the Vandalia area to Mr. Walpole and his associates in territory recently purchased by the colony of Virginia from the Cherokee Indians.[25]

Dunmore's policy of suppression of the new instructions, prompted by his own secret designs and the overwhelming influence of the many influential Virginia land-plungers, pointed straight to disaster. Two leading Virginians now arose to challenge the new instructions and force the question to an issue. Although the new instructions had not been published in Virginia, copies of them had reached the hands of George Mason and Thomas Jefferson. On May 6, 1774, Colonel George Mason presented a memorial to the Governor and Council, "setting

[21] This phase of the subject is set forth in considerable detail in St. George L. Sioussat, "The Breakdown of the Royal Management of Lands in the Southern Provinces, 1773-1775," *Agricultural History*, III, 67-98.

[22] The latter were not even communicated by Governor Dunmore to the Council.

[23] Thomas Lewis to Thomas Preston, June 19, 1775, in Preston Papers, Draper Mss., 4 QQ 20.

[24] The text of the petition is found in Ohio Company Papers, I (E), 89.

[25] Dunmore to Dartmouth, April 2, 1774, in Dunmore Mss.

forth that he had purchased a considerable number of Importation-Rights founded on the Charter granted by King Charles the second, whereby he conceived himself to be entitled to fifty acres of Land for each Right; and that as this was not a matter of Favour, but of strict Right, he hoped any Instructions his Excellency might have received for altering the Method hitherto observed in taking up Lands, would not operate, or be supposed to be intended by his Majesty to operate, to the Prejudice of Claims, such as his, and prayed that he might accordingly have an Order for the Quantity of Land his Rights amounted to." In this test case, Mason thus challenged the new regulations, as being in violation of a right founded upon the ancient law and custom of Virginia — an inalienable right, since the King was bound by the action of his predecessor. Although the Attorney General, to whom Mason's memorial had been referred, pronounced in Mason's favor, the Governor declared that he was bound by the Instructions and declined to do more than lay the whole matter before the King.[26] By this rejection of his just petition, Mason was strengthened in his belief that the liberty of Americans, in matters of land, was being infringed upon. This incident further confirmed him in a growing hostility to the new British tyranny.

In reciting Jefferson's course of procedure, it is essential to recall that Jefferson came of pioneer stock and shared the libertarian feelings and revolutionary aspirations of the restless borderers.[27] Prevented by illness from attending the Virginia Convention in the spring of 1774, he sent on some radical resolutions which, though not adopted, were afterwards printed and became famous as *A Summary View of the Rights of British America*.[28] In this remarkable pamphlet, Jefferson challenges the legality of the new instructions, denounces as "fictitious" the "principle that all lands belong originally to the king," and sternly asserts: "His Majesty has lately taken on him to advance the terms of purchase (of lands), and of holding to the

[26] Minutes of Virginia Council, from April 20, 1774 to June 17, following, Class 5, Vol. 1440, *passim*. Compare also Rowland, *op. cit.*, I, 415 ff.

[27] Consult F. J. Turner, *The Frontier in American History* (New York, 1920), 93-94.

[28] Jefferson, *op. cit.*, I, 421-47.

double of what they were, by which means the acquisition of lands being rendered difficult, the population of our country is likely to be checked. It is time, therefore, for us to lay this matter before His Majesty, and declare that he has no right to grant lands of himself. From the nature and purpose of civil institutions, all the lands within the limits which any particular society has circumscribed around itself are assumed by that society, and subject to their allotment only."

This was bold and subversive doctrine, and vividly shows how far Jefferson would go, when the right of self-determination in the disposal of lands was threatened by the Crown. The aristocrats and the common people, the speculators and the pioneer home-seekers, alike thrilled in sympathy with the ringing challenge and audacious views of Jefferson. Washington bought a copy of Jefferson's pamphlet, and read it with grim approbation.[29] The governors of Virginia, North Carolina, South Carolina, and Georgia reported variously that the Instructions would be highly injurious to government and difficult if not impossible to enforce, would stop the governors from passing grants, and prove a nullity so far as preventing the restless borderers from taking up land wherever they chose. The realistic Dunmore wrote unequivocally to Dartmouth: "There are in this, as in all the other Colonies, Numbers of People who entertain little tenderness for the rights of the Crown, and who will not hesitate at occupying the parts that please them without any formalities . . . as they have been so long in the habit of observing none in this particular."[30]

A new form of revolt against the Instructions of 1774 now arose from a new quarter: North Carolina. For years that colony had been torn by dissensions over land questions, taxes, and quitrents. In 1770, arrears in taxes, running back in some cases as far as 1754, amounted to £49,000. These dissensions finally gave rise to a popular uprising known as the Regulation, culminating in the battle of Alamance. Gross inefficiency in the collecting of quitrents and the lack of a satisfactory quitrent act were indicative of the progressive decline of the royal administration in North Carolina. For the year preceding March 25,

[29] Washington Mss., Ledger B, entry under Aug. 6, 1774.

[30] Dunmore to Dartmouth, May 16, 1774, in Dunmore Mss.

1774, John Rutherfurd, the receiver-general, reported the collection of only an insignificant part of the quitrents. One year earlier, the courts in North Carolina had closed; a state of orderly anarchy prevailed. By 1775 the people had got wholly out of hand. The revolt of the people was epitomized in the ringing challenge of the resolves of the Mecklenburg Committee of May 31, 1775. The twelfth of these resolves reads as follows: "That all receivers and collectors of quit rents, public and county taxes, do pay the same into the hands of the chairman of this committee, to be by them disbursed as the public exigencies may require, and that such receivers and collectors proceed no further in their office until they be approved of by and have given to this committee good and sufficient security for a faithful return of such monies when collected." [31] Profoundly significant of the people's inveterate hostility to the quitrents as a mark of vassalage are the instructions given the Mecklenburg delegates to the provincial congress in Halifax, requiring them to see that men should "be quieted in their titles and possessions, and that provision (should) be made to secure men from being disturbed by old and foreign claims against their landed possessions." [32] After the battle of Alamance, American patriots of regulating sentiments, of the stamp of James Robertson, had plunged into the wilderness of Tennessee to avoid the oppression and tyranny of British officialdom. In acknowledging to Dartmouth the receipt of the Instructions of 1774, Governor Dunmore cites with some dismay this local revolt of the people in the example of Watauga settled by a "set of people" who, as he puts it, had erected an independent state, thus furnishing a "dangerous example to the people of America of forming governments distinct from and independent of His Majesty's Authority." [33]

A more formidable revolt, soon to take on the guise of a miniature revolution, now arose in North Carolina against the British mode of imperial control of the colonies by orders in council, mandatory instructions, and czaristic proclamations. This was a deliberate challenge to the various royal interdicts against the purchase of lands from the Indian tribes by private individuals

[31] *N. C. Col. Rec.*, IX, 1284.

[32] *Ibid.*, X, 870 ff.

[33] Dunmore to Dartmouth, May 16, 1774. Dunmore Mss.

without a crown grant. Richard Henderson, a judge upon the highest court in North Carolina in 1773, when it ceased to exist, organized a land company which, in its third stage, was known as the Transylvania Company. On January 6, 1775, this company, including a number of the leading citizens of North Carolina, issued proposals for settling the Tennessee and Kentucky lands, soon to be purchased from the Cherokee Indians. Writing to Andrew Miller, Archibald Neilson, deputy-auditor and naval officer of the colony, inquired with wild surmise: "Pray, is Dick Henderson out of his head?" [34]

Lord Mansfield, it appears, gave Judge Henderson the "sanction of his great authority in favor of the purchase; of course *not* professionally" of Transylvania.[35] The opinion cited by Lord Mansfield to Judge Henderson, as stated, was, it cannot be doubted, the famous Camden-Yorke opinion. This opinion has been described by historians generally as one delivered in a private way by two London attorneys. Recent researches of the writer show that, on the contrary, the opinion was an official one, delivered on December 3, 1757, in response to "His Majesty's Commands signified to us by the Right Hon. Mr. Pitt, one of His Majesty's Principal Secretarys of State." It was rendered with reference to a Petition, to the King, of the East India Company, of date November 30, 1757, by Charles Pratt, then Attorney General, afterwards Lord Camden, and Charles Yorke, then Solicitor General, afterwards Lord Morden. These famous lawyers, both of them afterwards lords chancellors of England, later repeated this opinion, originally rendered with reference to the East Indian "Mogul, Princes, and Governments," as equally applicable, and on the same grounds, to the North American chiefs, headmen, and tribes. This opinion was confirmed by Lord Camden and Mr. Yorke, one or both, as early as 1764

[34] Neilson to Miller, Jan. 28, 1775, manuscript in the office of the Secretary of State, Raleigh, N. C. Consult, also, the writer's "The Creative Forces in Westward Expansion: Henderson and Boone," *American Historical Review*, XX, 86-107; "The Invasion of Kentucky in 1775," MISS. VAL. HIST. REV., I, 341-63; and *The Conquest of the Old Southwest*.

[35] Mann Butler, *History of the Commonwealth of Kentucky* . . . (Cincinnati, 1836), lxvii. The Granville Papers, long in the possession of Jo. Seawell Jones (author of *A Defence of the Revolutionary History of the State of North Carolina*, Boston, 1834), who cites them as authority, were obtained from Richard Henderson's son, Leonard, Chief Justice of the North Carolina Supreme Court.

and repeatedly in subsequent years, personally to a number of prominent Americans, notably Benjamin Franklin, George Croghan, and William Trent. The opinion became a matter of public discussion and controversy; various pamphlets on the subject were written, including a sort of treatise compiled by William Trent, entitled "Facts and Observations on Indian Rights"; and legal opinions endorsing it were rendered by two of the most eminent lawyers in London, Henry Dagge and John Glyn, and by Patrick Henry and Benjamin Franklin in America. This opinion states in substance that a title to land granted by the native Indian tribes was a full and sufficient title and rendered unnecessary the securing of a royal patent.[36]

Governor Dunmore could afford for a time to ignore the proclamation of 1763 and to suppress the Instructions of 1774, so long as it was only a question of yielding to the overwhelming pressure of the great Virginia land promoters and speculators. He could even ignore Lord Hillsborough's explicit instructions of July 31, 1770, defy Lord Dartmouth, and provoke the threat of dismissal, for the sake of advancing his own fortunes by speculation in western lands.[37] But when Colonel William Preston, Surveyor General of Fincastle County, in January, 1775, wrote him in dismay of Henderson's revolutionary designs, Dunmore's hand was finally forced. Using as a pretext the Transylvania Company's purchase of the Cherokee title to some twenty million acres of land, the greater proportion of which lay within the charter limits of Virginia, Dunmore on March 21, 1775, issued a vigorous proclamation against Henderson and his associates; and as a sort of rider, at last exhibited the long-suppressed Instructions of 1774 to the public gaze.[38]

[36] Records of the East India Company, Whitehall, London. Consult, also, the pamphlet by Wharton, *Plain Facts* (1781), 9; Ohio Company Papers; Draper Mss. The precise date when the Camden-Yorke opinion was first rendered as applicable to the North American Indians, and to whom, are facts which have not yet been determined by the writer. It is problematical whether this opinion was ever officially rendered by Lord Camden as Lord Chancellor of England. Probably the opinion was professionally given by both Lord Camden and Mr. Yorke, though not rendered in any official cause, to English and American publicists and speculators, who were interested in securing western lands in America.

[37] Consult Dunmore Mss., *passim*.

[38] Dunmore's proclamation, from an unique original in the Public Record Office, is reproduced in facsimile in the writer's *Conquest of the Old Southwest*, facing p. 240.

Even before this date, the pioneers and remote dwellers of the border counties had begun to voice their strenuous protests against the new land regulations, some inkling of which had seeped through into the back country. In their address to the Virginia delegates to the Continental Congress, the freeholders of Fincastle County, on January 30, 1775, eloquently dwelt upon their struggles in an uncultivated wilderness and their battles with the savages, in behalf of their rights and liberties as Virginians; and protested against being stripped of "that liberty and property with which *God*, nature, and the rights of humanity have vested us." They proclaimed themselves willing to support His Majesty's government only on the condition that "the grants are made by our own Representatives." [39] In similar strain, the freeholders of Augusta County, on February 22, 1775, said in their instructions to Thomas Lewis and Samuel McDowell, their newly elected delegates to the Virginia Convention:

> Many of us and our forefathers left their native land, and explored this once savage wilderness, to enjoy the free exercise of the rights of conscience and of human nature. These rights we are fully resolved, with our lives and fortunes, inviolably to preserve; nor will we surrender such inestimable blessings, the purchase of toil and danger, to any Ministry, to any Parliament, or any body of men upon earth, by whom we are not represented, and in whose decisions, therefore, we have no voice.[40]

Especially noteworthy as opposing the Instructions of 1774 are the resolutions of the "Darien Committee," in St. Andrew's Parish, Georgia, passed on January 12, 1775. Specific protest is made against "shutting up the Land Offices, with the intention of raising our quit-rents, and setting up our Lands at publick sale." Furthermore, "the unjust system of politicks adopted by the present Ministry, to subject and enslave us" is denounced as evidently proceeding from "an ungenerous jealousy of the Colonies, to prevent as much as possible the population of *America*. . . ." [41]

[39] M. St. Clair Clarke and Peter Force (eds.), *American Archives* (4th Ser., Washington, 1837), I, 1166.

[40] *Ibid.*, 1253-55.

[41] *Ibid.*, 1135-36.

The back country of Virginia and North Carolina was peopled with independent and restless libertarians — scofflaws, as we would call them now — who gave slight heed to existing laws which limited their freedom, especially to settle at will in the remote and unoccupied portions of the earth.[42] With complete disregard for royal interdiction and without pretense of title, Daniel Boone headed a party to settle in Kentucky in 1773, but was halted by the Indians and reluctantly abandoned the project. In 1773 and 1774, various parties of roving pioneers, notably those led by James Harrod and the McAfees, ranged through Kentucky, picking out desirable locations and establishing "tomahawk rights."

So great was the excitement over the new-found paradise of Kentucky, so keen the desire to settle there, that when Henderson defied the Crown and led a party of forty men into Kentucky in the spring of 1775, the back country was with him to a man. Preston made sensational reports to Dunmore, unmasking Henderson's revolutionary designs; and John Floyd, Preston's deputy, then surveying lands for officers' claims in Kentucky, reported to Preston that the people in the back country and on the frontiers were much discontented over the government's new mode of disposing of lands, and would not permit him to survey the lands under the proclamation.[43] Henderson was reported publicly to have asserted that no existing law, nor even the King's proclamation, could debar any man from purchasing lands of the Indians.[44] Wholly in line with Henry and Jefferson, Henderson audaciously challenged what he termed the "absurd doctrine of Kings and Popes having right to claim and dispose of countries at their will and pleasure."

In the Virginia Convention on March 28, 1775, a committee consisting of Patrick Henry, Richard Bland, Thomas Jefferson,

[42] In this connection, it is interesting to note in the Wickersham report on law enforcement the statement that the attitude of the American people toward law springs from a variety of causes, among them being the pioneer spirit, "the Puritan's objection to administration, the Whig's tradition of a 'right of revolution,' the conception of natural rights." Consult, also, J. T. Adams, "Our Deep-Rooted Lawlessness," New York *Times*, March 9, 1930; Justin Winsor, "Virginia and the Quebec Bill," *Am. Hist. Rev.*, I, 436-43.

[43] William Madison to Preston, July, 1775, Draper Mss., 4 QQ 30.

[44] Cameron to Stuart, March 21, 1775, enclosure in Stuart to Dartmouth, March 28, 1775, C.O.5, 76, Lib. of Cong.

Robert Carter Nicholas, and Edmund Pendleton and appointed to investigate the new instructions, recommended to "all persons whatever to forbear purchasing or accepting grants of land on the conditions before mentioned." [45] It is a source of regret that no French traveler, as in the case of an earlier speech of Patrick Henry's, was present to record his eloquent words on this occasion, endorsing Henderson's purchase from the Cherokee. In appreciation of Henry's vigorous defense of their action, Henderson and his copartners of the Transylvania Company addressed a lengthy letter to Henry, in which occur these words: "The true point of view in which, we are told, you, with several other gentlemen, conceived the nature of the contract, and the eloquence and good sense with which you defended, and the liberal principles on which you supported our claim to the benefit of our engagement with the Indians, in addition to the universal applause of the whole continent, for your noble and patriotick exertions, give you an especial claim to our particular acknowledgements, of which we take this earliest opportunity of begging your acceptance." [46]

For permitting the surveying of western lands under the proclamation, by his deputies, Preston was censured by the Fincastle Committee and even threatened with arrest. To the Virginia Convention, which assembled on July 17, 1775, were presented: a petition from the Fincastle Committee, protesting against the Orders in Council, the Instructions, and Dunmore's proclamation as contrary to the "ancient usage of taking up lands"; and a memorial from Preston vigorously defending his conduct and asseverating that nothing was farther from his intentions, than to carry into execution any ministerial instructions contrary to the chartered rights or real interest of his country.[47] The committee, now enlarged by the addition of George Mason, John Harvie, and Richard Henry Lee, presented a resolution which was unanimously adopted on August 15, 1775, recommending until further report were made the cessa-

[45] *Virginia Gazette*, April 1, 1775.

[46] James Hall, *Romance of Western History* . . . (Cincinnati, 1857), 379-80.

[47] The originals of these two documents are preserved in the Virginia State Library. They have been published in the *Virginia Magazine of History and Biography*, XV, 15-17.

tion of all surveys, purchases of land and acceptance of grants under the late instructions, and the paying of no further regard to Dunmore's proclamation.[48]

During the spring and early summer of 1776, as the aftermath of the refusal of the Transylvania settlers the preceding year to permit John Floyd to survey lands in Kentucky under Dunmore's proclamation of March 21, 1775, a large group of malcontents with headquarters at Harrodsburg submitted to the Virginia Convention a series of vigorous protests against the Transylvania Company.[49] The fundamental purpose of these petitions was to dispossess the Transylvania Company of the trans-Allegheny territory lying within the ancient charter limits of Virginia, by inducing the colony of Virginia to erect a new county out of the western portion of Fincastle County. The violent opposition to the new imperial land policy embodied in Dunmore's proclamation of March 21, 1775, finds expression in the petition of the self-styled "Committee of West-Fincastle" (June 20, 1776):

> The Inhabitants of this Frontier part of Virginia who are equally desirous of contributing to the utmost of their power to the support of the present laudable cause of American Freedom, and willing to convince and prove to the world that though they live so remote from the seat of Government that they Feel in the most sensible manner for their suffering Brethern; and that they most ardently desire to be looked upon as a part of this Colony, notwithstanding the Base proceedings of a Detestible, Wicked and Corrupt Ministry to prevent any more counties to be laid off, without the Inhabitants would be so pusilanimous as to give up their right of appointing proper persons to represent them (in Assembly or) in Convention; And as we Further conceive that as the Proclamation of his Majesty for not settling on the Western Parts of this Colony, is not founded upon Law, it cannot have any Force, and if we submit to that Proclamation and continue

[48] *Am. Arch.* (4th Ser.), III, 382.

[49] Consult *Am. Arch.* (4th Ser.), VI, 1573-75; J. R. Robertson, *Petitions of the Early Inhabitants of Kentucky . . .* (*Filson Club Publications*, No. 27, Louisville, 1914), 36-41. The first petition, prepared in April, was presented to the Convention (*Journal Virginia Convention*, June 15, 1776). Two later petitions, of dates June 7 and June 20, 1776, were borne from Harrodsburg to Virginia by George Rogers Clark and John Gabriel Jones, who arrived too late for the sitting of the Convention. They were presented to the Virginia House of Delegates on Oct. 8, 1776. The originals are in the Virginia State Archives, Richmond.

not to lay off new Counties on the Frontiers that they may send Representatives to the Convention, its leaving an opening to the wicked and Diabolical designs of the Ministry, as then this immense and Fertile Country would afford a safe Asylum to those whose Principles are inimical to American Liberty.

In the light of the present research, it cannot be successfully maintained that the Revolution in the South was in no sense of economic origin.[50] When Washington read Dunmore's proclamation of March 21, 1775, he turned white with rage, for he saw in it the wreck of his hopes and efforts to secure the richest western lands. In a long and vehement letter to Dunmore, Washington blurts out: "I hardly know yet how to persuade myself into a belief of the reality of it."[51] George Mason, the strongest and most learned of Virginia's contenders for the validity of the "ancient Charters," in a letter to Washington refers contemptuously to the "new fangled doctrine" of imperial control of all lands west of the ministerial line, which, he predicts, will "produce a thousand other absurdities and squabbles." The depth of his resentment against the new British policy is voiced in the phrase: "The inattention of our Assembly to so grand an object, as the right of the Colony to the Western Lands, is inexcusable."[52] Thomas Lewis, surveyor of Augusta County and, as active member in the Loyal Land Company, deeply concerned in the matter of Dunmore's proclamation, described to William Preston the population of the back country as "injured and incensed" over the new instructions for taking up lands.[53] Of the British doctrine that "the King had a right to dispose of his lands in what manner he pleased," Edmund Pendleton, in the current of the Revolution, in a long letter to Joseph Jones combating Thomas Paine's views in the pamphlet, *Public Good*,

[50] This is the view which has prevailed unbroken until the present time. Compare, for example, the works on the Revolution and its preliminaries of Eckenrode, Van Tyne, Becker, Channing, Fisher, Lodge, Fiske, and Howard. The new interpretation herein advanced is, the writer feels sure, the view which would have been entertained by the late Clarence Walworth Alvord. This interpretation is foreshadowed in portions of *The Mississippi Valley in British Politics.*

[51] *Writings of Washington*, II, 468. A study of Washington's diaries and correspondence indicates that he was, in the years preceding the Revolution, far more concerned about land than liberty, about the price of land than the rights of man.

[52] Mason to Washington, March 9, 1775. The original is in Mss. Div., Lib. of Cong.

[53] Lewis to Preston, June 19, 1775. The original is in the Draper Mss., 4 QQ 20.

says that this doctrine met the resentment it deserved in the Convention of March, 1775; and concerning the proclamation of 1763, acridly remarked: ". . . the avow'd purpose of this State paper, was to reserve those Western lands for the Indians; in Virginia they have not a doubt but it was a branch of that System which produced the Revolution, Intending by restraining Settlements to the Westward, to facilitate that Subjugation of America which they had plan'd."[54]

Crucial official documents of the period express the resentment privately and publicly voiced by leading Virginians. In the Address to the People of Great Britain, September 5, 1774, the Congress in Philadelphia, dominated by Virginia, trenchantly inquire:

> Are not the Proprietors of the soil of *Great Britain* lords of their own property? Can it be taken from them without their consent? Will they yield it to the arbitrary disposal of any man, or number of men whatever? You know they will not.
>
> Why then are the Proprietors of the soil of *America* less lords of their property than you are of yours?[55]

In drawing up an indictment of George III, Jefferson himself thus protests in the Declaration of Independence against the new imperial land policy as one of the "repeated injuries and usurpations . . . submitted to a candid world":

> He [George III] has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners . . . to encourage their migration hither, and raising the conditions of new appropriations of lands.[56]

On the eve of the Revolution, then, the great Virginia land speculators beheld with chagrin and alarm their interests and fortunes in real estate in jeopardy through the continuance of the British régime. Conspicuous among the number were Thomas Nelson, representing the Greenbrier Company grant of 100,000 acres; George Mason, representing the Ohio Company grant of 500,000 acres; Thomas Walker, representing the Loyal Company grant of 800,000 acres; George Washington, with 20,-

[54] Pendleton to Jones, Feb. 10, 1781. Original is in the New York Public Library. For a copy of this letter, the writer is indebted to the courtesy of Mr. David J. Mays, Richmond, Va.

[55] *Am. Arch.* (4th Ser.), I, 917.

[56] Cited in Alvord, *op. cit.*, II, 216.

000 acres near the mouth of the Great Kanawha in danger of being swallowed up by the projected colony of Vandalia; and Henry, Byrd, Preston, Christian, Floyd, Fleming, Taylor, Campbell, Harrison, and many other Virginia gentlemen who had taken up lands on the Ohio and in Kentucky some of these tracts having been privately surveyed by Preston's deputies and illegally granted by Dunmore.

Economic motives indubitably mingled with libertarian impulses in swaying the Virginians, aristocrats and adventurers, toward revolution. There need be no cause for wonder that Henderson defied the King and set up the independent colony of Transylvania. Or that Patrick Henry eloquently defended Henderson's action in the Virginia Assembly. Or that he and Jefferson, as reported, sought to be admitted as copartners in the Transylvania Company. Somewhat later, George Rogers Clark actually proposed, if Virginia would not take measures to protect Kentucky, to dispossess the Transylvania Company, which had purchased the Indian title in fair and open treaty; set up an independent state and both sell and give away the lands. These incidents graphically represent the feeling and complexion of the times.

The Revolution in the South, above all in Virginia, surely was, in no slight measure, of economic origin. In this statement, moreover, no account is taken of the huge debts of the great Virginia planters to English mercantile firms. In describing Kentucky in midsummer, 1775, Henderson writes: "The country might invite a prince from his palace, merely for the pleasure of contemplating its beauty and excellence; but only add the rapturous idea of property, and what allurements can the world offer for the loss of so glorious a prospect?" [57] In rewriting the history of the Revolution in the South, to Thomas Jefferson's rights of man, "life, liberty, the pursuit of happiness," let us be frank enough to add: "and the pursuit of property." To Patrick Henry's rhetorical alternative, "Give me liberty or give me death!" let us at least add the practical, economic demand of Washington, Mason, Walker, Lewis, Nelson, Henderson, Harrod, Boone, and Clark, for geographical and national expansion: "Give me land, give me life."

[57] Henderson and Luttrell to the Proprietors of Transylvania, July 18, 1775, printed in Louisville *News-Letter*, May 9, 1840.

REPUBLICANISM AND STATE RIGHTS IN WISCONSIN

By James L. Sellers

When the Wisconsin Legislature convened on Wednesday, January 14, 1857,[1] the Republicans were in the majority. In the election of the previous fall, they had carried the state by 12,668 votes,[2] and in the Senate and Assembly had a membership of 19 and 64, respectively, as opposed to 11 Democrats in the upper house, and 34 in the lower house.[3]

One of the most important pieces of work before the session was the election of a United States senator. The method of election was by the joint convention of the two houses of the Legislature. The legal designation by joint convention was regularly preceded by party caucuses in which a nominee for each party was agreed upon. In fact, the real contests took place in these party caucuses, and selection by the majority party caucus was usually equivalent to election.

The excessive Republican majorities in both houses augured a speedy election.[4] Two years previously the election of Senator Durkee had been delayed for more than two weeks by a refusal of the Democratic majority in the Senate to meet in joint convention with the Republican-dominated Assembly.[5] Coöperation of the two houses in calling a joint convention was guaranteed in 1857 by the common Republican majority, and the convention would occur as soon as the caucus could agree upon a candidate.

The press of 1857 exhibited little enthusiasm in behalf of James R. Doolittle for senator. The Racine *Journal* avowed its support, but mentioned the matter only thrice in the two weeks

[1] *State Journal* (Madison), Jan. 14, 1857.

[2] *Wisconsin Blue Book, A Manual* (Madison, 1861), 57.

[3] Only 81 Republicans participated in the caucus. *Sentinel* (Milwaukee), Jan. 13, 1857.

[4] *State Journal*, Jan. 13, 1857.

[5] *Ibid.*

preceding his election.[6] The Madison *State Journal* and Milwaukee *Sentinel* both proclaimed his excellent qualifications but denied his legal eligibility.[7] In view of the many objections that were raised against Doolittle and the slight evidence of enthusiasm in his behalf, his selection is surprising, at least, and provokes historical curiosity.

The Wisconsin Republicans had a wealth of senatorial candidates in that year. The *State Journal* named 11 prospective nominees and 9 of these received votes in the party caucus.[8] The *Argus and Democrat* described the senatorial contest being waged in the enemy camp: "Howe represents the Know-nothing wing, Doolittle . . . the Democratic wing, and Holton the Abolitionist wing . . . ;" and there is also "a vast crowd of smaller statesmen who do not aspire to represent a wing, each one being supposed to represent about the weight of a feather."[9] The editor gratuitously advised the caucus to "throw overboard the whole bunch and take a candidate from the class who do all the work and get all the kicks . . . who never seek office and to whom office is never offered . . . elect an editor."[10] Needless to say, the Republicans gave little heed to advice from such a source.

That Judge Doolittle had made a deep impression upon the public in the preceding campaign was everywhere recognized.[11] His opponents did not argue this point. They chose to eliminate him in a more effective and less difficult manner. The state Constitution provided, "They [the judges] shall hold no office of public trust except a judicial office, during the term for which they are respectively elected, and all votes for either of them for any office except a judicial one, given by the legislature or the people, shall be void."[12] The opposition insisted that this effectually and finally removed him from the contest. If votes were cast for him there was the categorical constitutional decree that they "shall be void."

[6] Racine *Journal*, Jan. 8-23, 1857.
[7] *State Journal*, Jan. 8, 1857; *Sentinel*, Jan. 15, 1857.
[8] *Ibid.*, Jan. 3 and 21, 1857.
[9] *Argus and Democrat* (Madison), Jan. 21, 1857.
[10] *Ibid.*, Jan. 10, 1857.
[11] James R. Doolittle Mss. in Wisconsin Historical Society library.
[12] Constitution of the State of Wisconsin, Art. 7, Sec. 10.

Friends of Judge Doolittle argued that the qualifications for senator were defined in the federal Constitution, and that any additional qualification inserted in the state Constitution could not be enforced and were void. They cited the case of Judge Trumbull of Illinois, who had been seated in the Senate despite a similar disqualification.[13]

The *Sentinel* argued that while the Senate would seat Judge Doolittle if he were elected, "it seems to us equally clear with this provision in our Constitution . . . there is a moral and honorable obligation upon every man elected to a judicial office to abide by the constitutional limitation."[14] The opinions of the justices of the state Supreme Court were sought. Chief Justice Whiton and Justices Smith and Cole agreed that the judges were not debarred by the state Constitution, and inasmuch as a case involving this question could not possibly come before the court, they did not hesitate to offer their opinions.[15]

It was further argued that Judge Howe had already violated the constitutional restriction by standing and serving as a presidental elector. He was the more culpable inasmuch as he had been a member of the convention which had compassed his own nomination. The *State Journal*, defending Howe, denied this latter fact but was forced to swallow its own words when the Racine *Advocate* printed the Journal of the State Republican Convention of 1856.[16]

Newspapers and judges might give opinions but they could not settle the point of legal eligibility. This could be determined only by the joint convention, though the attitude of the convention would be forecast by the action of the Republican caucus.

The first meeting of the Republican caucus was held, Thursday evening, January 15. In this meeting, Howe, Holton, and Doolittle were the leading candidates. Howe had slightly more than one-fourth of the caucus strength; Holton polled 16 votes, and Doolittle 10.[17] The Doolittle supporters consisted of recent

[13] Racine *Journal*, Jan. 8, 1857.

[14] *Sentinel*, Jan. 15, 1857.

[15] *Ibid.*, Jan. 13, 1857.

[16] *State Journal*, Jan. 10, 1857; *Argus and Democrat*, Jan. 14, 1857, wrote up the whole controversy.

[17] George B. Smith, Diary (ms. Wis. Hist. Soc.), Jan. 15, 1857; *State Journal*, Jan. 15, 1857.

deserters from the Democratic party. George B. Smith, Madison leader of the Wisconsin Democracy, concluded his condemnation of these political "rennegades" with revengeful blows upon the leaders. "Randall would disgrace any place," he wrote, "and Doolittle is a Hypocrite." [18]

Doolittle's Democratic enemies attempted to damage him in another respect. They made advances toward the anti-Howe faction for a combination in favor of Doolittle, intending thus to discredit him with the Republicans. The *Argus and Democrat* predicted that Doolittle would soon drop back into the Democratic party.[19]

At this juncture the position of Timothy O. Howe of Green Bay was subjected to the closest scrutiny. He was the admitted favorite before the caucus; had been a staunch Whig; had served as legislator and judge; but was wholly unacceptable to the Abolitionist wing of the party headed by Sherman M. Booth. In fact the *Argus and Democrat* on the day of the convening of the State Legislature stated that Howe was eliminated, "dead as Julius Caesar! *D d* by the good offices of General Booth who has wiped him out as easily as you would brush a fly from the window sill." [20] Two days later the temperamental editor had had a change of heart. "We see little or nothing to prevent the election of Judge Howe. . . . He is nearly as sure of his position as if he were already clicking his mileage into his pocket." [21]

The supporters of Howe were less confident. The *State Journal* asserted that he had the largest number of supporters in the Legislature, but "Judge Doolittle and Mr. Holton have many warm friends." [22] The dissension which manifested itself in the Republican caucus was disturbing Howe's supporters. The *Journal* deplored the misrepresentations and trumped-up false

[18] Smith, Diary, Jan. 15, 1857.

[19] *Argus and Democrat*, Jan. 15, 1857.

[20] Issue of Jan. 14, 1857. Howe had been defeated in the Republican caucus for the nomination as justice of the state Supreme Court by Orasmus Cole, due to the activities of the Abolitionists. J. B. Winslow, *Story of a Great Court* (Chicago, 1912), 86.

[21] *Argus and Democrat*, Jan. 16, 1857.

[22] *State Journal*, Jan. 16, 1857.

issues relative to Howe and Doolittle.[23] "Any new tests of Republican orthodoxy which would rule them out of the party would take out three-fourths of the supporters." [24]

The second Republican caucus was held, Saturday, January 17. The candidate who had gained was Holton. While he had come within striking distance of Judge Howe's lead, repeated balloting demonstrated that he had reached his full strength. It was equally evident, at this juncture, that no candidate had a prospect of commanding a majority vote in the caucus. The question of harmony was becoming serious. The Howe faction and the Abolitionist faction constituted the strongest elements. The former was more numerous, but the latter was the aggressive element of the party. The Abolitionists felt something of a parental privilege within the party and their cause never suffered from inarticulate modesty. Compromise seemed necessary.

The Abolitionist faction was already represented by Senator Charles Durkee, and it could not expect to elect a second senator. It was rumored that Holton would withdraw, yet Howe was particularly obnoxious because he had sustained the stand of Judge Miller in denying the appellate jurisdiction of the state courts over the United States District Court in the Booth case. An appeal to the United States Supreme Court was still pending, and Booth through his own paper, the *Free Democrat*, was making the constitutionality of appeals the question of the hour. If the Abolitionists could not set up their own senatorial candidate, they would at least make every candidate's judicial tenets the test of Republican orthodoxy.[25] Two resolutions were adopted, which, it was agreed, should be submitted to the various caucus candidates for replies.[26]

These resolutions were the chief source of political contention among Wisconsin Republicans during the next four years. They were as follows: [27]

[23] The *State Journal* denied Doolittle's eligibility, Jan. 8, 1857.
[24] *Ibid.*, Jan. 16, 1857.
[25] Smith, Diary, Jan. 19, 1857.
[26] *State Journal*, Jan. 19, 1857.
[27] First Kentucky Resolution, *ibid.*, Jan. 19, 1857.

I. *Resolved*, That it is the object and mission of the Republican Party to restore the action of the Federal Government to the purity of principles of its Republican founders. Resolved, that we adopt the sentiments of the Republican members of the Legislatures of Virginia and Kentucky as written by Jefferson and approved by Madison in 1798.[28]

II. *Resolved*, That in the application of these principles, we hold it an imperative duty to stand firmly by the Supreme Court [of the state] in asserting the right of the state tribunals to pronounce final judgment in all cases involving the reserved rights of the states; in declaring the Fugitive Slave law unconstitutional and in shielding the inhabitants of the state from the operation of unconstitutional enactments without right of review by any federal tribunal.[29]

The original supporters of Howe objected to the catechism of candidates upon these principles.[30] The *Sentinel* questioned "whether this ought to be made a test in the election of a United States Senator. They [the resolutions] form no part of the Republican platform, state or national, and it is by these standards that the political orthodoxy of the candidates is to be tried."[31] George B. Smith continued to smile upon his opponent's difficulties. "The Republicans are in trouble in regard to a senator. S. M. Booth is against Howe and Doolittle and favors Holton, and he makes them trouble. Booth is an old Abolitionist

[28] The first Kentucky resolution was appended to the first caucus resolution, and is here quoted:

That the several states composing the United States of America, are not united on the principle of unlimited submission to their general government; but that by compact under the style and title of a Constitution of the United States and of amendments thereto, they constituted a general government for special purposes, delegated to that government certain specified powers, reserving each state to itself, the residuary mass of right to their own self government; and that whensoever the general government assumes undelegated powers, its acts are unauthoritative, void, and of no force: That to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party: That the government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself; since that would have made its discretion, and not the constitution, the measure of its powers; but that as in all other cases of compact among parties having no common Judge, each party has an equal right to judge for itself, as well of infractions as of the mode and measure of redress.

[29] *Ibid.*, Jan. 19, 1857.

[30] *Argus and Democrat*, Jan. 19, 1857.

[31] *Sentinel*, Jan. 19, 1857.

and is the leader of that portion of the party. The rest hate him, and he is a hateful man with some good points about him." [32] Nevertheless, the majority of the caucus sustained the Booth test.

The third meeting of the caucus was held, Monday, January 19. The replies of the candidates were received and considered. George B. Smith, from the enemy camp, kept a close eye upon the Republican caucus. In his diary he summarized the replies: "Howe wrote them a manly answer. Holton and Jackson swallowed them [the resolutions] in few words. Doolittle refused to answer until the caucus declared him eligible. They did so, and he sent in a long answer." [33]

The answers of Howe and Doolittle deserve a more detailed presentation. Judge Howe's reply occupied less than half a column in the *Journal*, and his argument is quoted in a slightly condensed form.

> The sentiment expressed in the first Resolution has my hearty approval. The second coincides with my own views of the constitutional theory of our government.
>
> The Theory propounded by the framers of the resolution of 1798 was concurred in by the great majority of the American people; and the verdict of public opinion was potent to arrest a flagrant usurpation by the General Government of the rights reserved to the States and to restore it within the limits prescribed by the Constitution . . . this theory has been perverted and abused, even to the nullification of just laws of Congress at the dictates of the slave power, yet recent aggressions of the General Government by all its departments under the rule of the same power upon the rights of the free states and all the citizens thereof, demand a reassertion on our part of every right and power, which is reserved to the sovereign states, for the protection of its citizens and the preservation of liberty.
>
> In all cases involving the reserved rights of states I assert the right of state tribunals to pronounce final judgment, and shall stand firmly by them in all efforts to shield our inhabitants from operation of the Fugitive Slave act and all other unconstitutional laws.
>
> But whether all decisions are irreviewable by a federal tribunal is a decision upon which I must be excused from passing an opinion.[34]

[32] Smith, Diary, Jan. 19, 1857; *Argus and Democrat*, Jan. 19, 1857.
[33] Smith, Diary, Jan. 20, 1857.
[34] *State Journal*, Jan. 20, 1857.

His reasons were: (1) The question was pending before the United States Supreme Court. (2) There was not adequate time to study the matter. And finally relative to his proposition upon the habeas corpus proceedings in the Booth case, Judge Howe said:

> I beg to add that I have not at any time excepted to the opinion of the majority of the [state] Supreme Court upon the ground of its trenching upon the powers delegated to the General Government, but only because it seemed to me not in conformity with the practice of *Habeas Corpus* as regulated by a statute of our own state. On the contrary I heartily concur in every proposition affecting the reserved rights of the state contained in either of the opinions delivered by the learned Chief Justice in those cases.

For comparison we must now get before us Judge Doolittle's position. The resolutions gave him an opening to demand that the caucus pass upon his eligibility. A motion to exclude him had been tabled in the caucus, but still could be called up. He therefore demanded explicit action before he replied to the resolutions.[35] Mr. Noggles of Rock County made a spirited defense of his eligibility and the caucus voted in his favor on January 19.[36]

Doolittle immediately wrote:

> I am this moment informed that by a resolution of your body you have determined to sustain the views of the Judges of the Supreme Court, of the Legislature of Illinois, of the Senate of the United States, upon the question of my eligibility. I will say that I shall be unable before your next meeting to reply at length in writing. It is enough to say that I have been reared in the school of State Rights Republicanism, and that I endorse the resolutions as I understand them.[37]

At this same meeting of January 19, the caucus balloted with slight change, except that Doolittle gained a considerable portion of the scattered votes and tied Howe for high place.[38] The following day the caucus met again but no vote was taken. At this session the lengthy reply of Doolittle was presented. It

[35] *Ibid.*, Jan. 20, 1857.
[36] *Argus and Democrat*, Jan. 20, 1857.
[37] *State Journal*, Jan. 20, 1857.
[38] Smith, Diary, Jan. 20, 1857.

covered a full column and a half of closely set type in the *Journal*.[39] In the following summary I have condensed the words of the author, omitting portions of the reply, but have tried to reproduce its full content:

> In endorsing the resolutions passed by your body, as I did by my note of last evening, it is due to myself and respectful to you that I should state more fully the grounds of my opinion.
>
> In the Old World it has been regarded that man was made for government; here that government was made for men. There, rights are bestowed unequally at the mere caprice of the sovereign. Here, they are equal and inalienable.
>
> It is to secure these rights that governments are instituted among men. First among these rights, and without the enjoyment of which all others would be comparatively of little value, is the right of personal liberty.
>
> Thus this highest prerogative writ, the writ of Habeas Corpus, is esteemed the bulwark of human liberty. The great thing secured by it is an *immediate inquiry* into the cause of detention and an *immediate release* if the detention is illegal.
>
> An unconstitutional detention is an illegal detention.
>
> The constitution of the United States declares that the privilege of this writ, except in cases of rebellion and invasion, shall not be suspended.[40]
>
> Jury in Fugitive Slave law: Schooled as I have been in the doctrines of strict construction of the Federal constitution, I should have said that no such power was granted, to abolish right of trial by jury in return of fugitives.

In these sweeping phrases he had expounded our system of government and had disposed of the unconstitutional Fugitive Slave Law:

> The courts are constituted to declare the law and not to make it. The decision of the Supreme Court is always entitled to consideration and weight as to what the law is, but in no sense is the decision of one supreme court absolutely binding upon another supreme court, nor even upon itself, except in the particular case decided by it. To maintain any other doctrine would make an erroneous decision of one court the fruitful source of many errors in other courts, and would put it out of the power of a court to correct its own errors or mistakes.

[39] *State Journal*, Jan. 22, 1857.

[40] Dated Jan. 20, 1857; published in the *State Journal*, Jan. 22, 1857.

But what tribunal shall judge of the powers granted and the rights reserved? This is the gravest question in our whole system of government. Your second resolution embodying the first of the Kentucky and Virginia Resolutions, upon which the old Republican party was organized, answers that question in better language than I can command.

Each government must judge for itself and upon its own responsibility. But if upon a question of construction as to powers granted to the Federal Government, or reserved to the states, the Supreme Court of a state shall differ from the Supreme Court of the United States the only appeal is to the Bar of Public Opinion.

Upon a question of doubtful construction the Federal Government will never undertake to coerce a sovereign state by force of arms against the judgment of its Supreme Court.

In the case of South Carolina it was on her part an open and palpable violation of the constitution . . . a direct attempt . . . to defy the authority of the Federal Government and to secede from the union. . . . We stand upon our rights as a sovereign state in the union, and do not seek our redress by going out of the union.

He concluded that our system was governed by a few simple laws.

Two forces or tendencies are forever struggling for ascendency in our system of government, the one to enlarge the powers of the general government upon the one hand, denominated Federalism, and the other to limit the powers of the general government and defend the rights and sovereignties of the states and the people upon the other, denominated Republicanism.

It is to the proper working of these two forces or tendencies, each to some extent controlled and limited by the operation of the other that we owe our high position and hitherto wonderful success. And it was in this sense and in view of the powers granted to the Federal Government upon the one hand, and of the full sovereignty of the states as to all powers not expressly delegated, upon the other that Mr. Jefferson declared in his inaugural address, "We are all Republicans — we are all Federalists." [41]

A comparison of the replies quoted above reveals that the Wisconsin judges held many opinions in common and yet there were divergencies. The surprising thing to us today is that

[41] This is a constitutional defense of the action of the Wisconsin State Supreme Court in the use of the writ on behalf of Booth.

every candidate, whose reply was printed, indorsed without reservation the compact doctrine of the Kentucky Resolutions.[42] Howe praised it at greatest length and yet made exception to the South Carolina application in 1832-33. Doolittle and Howe agreed in pronouncing the Fugitive Slave Act unconstitutional. However, Howe was more emphatic in demanding a re-assertion of state-rights doctrine to correct the evil.

It was over the question of the relations of state and federal courts that the real test occurred. Both candidates emphatically asserted that the decision of state courts on matters constitutionally reserved to the states was not reviewable by a federal tribunal. From this point their replies diverge not so much in substance as in point of attack and tone of argument.

Howe was put upon the defensive because of a previously expressed opinion in the Booth case.[43] He held that the Fugitive Slave Law was unconstitutional and that he had never disagreed with the majority of the state supreme bench, and yet he denied the legality of habeas corpus by the state Supreme Court on behalf of a federal prisoner. This latter position he justified upon a state enactment and not upon federal supremacy.

Howe admitted that he was brought to bay when he refused to answer whether or not decisions of the state Supreme Court were irreviewable by the United States Supreme Court. His reasons for refusal are insufficient. True, the question was before the United States Supreme Court, but it had been answered by the court many times previously.[44] That a lawyer and a judge forty-one years of age had not arrived at an opinion on this fundamental judicial question, is, at least, surprising.

Here was no solution for questions of doubtful jurisdiction. A federal supreme court dominated by southern views was free to enforce obnoxious laws upon defenseless states. Howe, at best, was a conscripted champion, and for Booth's purposes he was a warrior with a broken staff.

Doolittle, on the other hand, made a most spirited assault upon federal encroachment. He lauded the unabating availabil-

[42] *State Journal*, Jan. 20, and Jan. 22, 1857. Four full opinions were printed.

[43] Howe had been defeated in 1855 as a candidate for justice of the Supreme Court because of his stand in this case. Winslow, *op. cit.*, 78; *Argus and Democrat*, Jan. 14, 1857.

[44] Cohen *vs.* Virginia is a classical opinion on this point. 6 *Wheaton*, 264.

ity of habeas corpus and anticipated Lincoln's argument on the limitation of the binding effects of judicial decisions. The spirit and logic of his argument could hardly be improved. Conflicts arising between state and federal courts over doubtful jurisdiction must be appealed to the Bar of Public Opinion. The federal authorities would not attempt to enforce their will in the face of a state decision supported by enlightened public opinion. There was the Georgia precedent.[45]

The caucus did not vote on January 20. Holton had announced his intended withdrawal at the previous meeting. On the first ballot of January 21, Howe received 27 votes and Doolittle received 16; the remaining 38 votes were scattered. The Sixth ballot brought Doolittle's vote up to 41 — a bare majority, and on motion to make it unanimous he received 78 of the 81 votes. Howe's support stood by him to the end, and it was the scattered vote that ultimately united upon Doolittle.[46]

Although the greatest contest was past, there were still difficulties. The vote of the caucus on Doolittle's eligibility had not convinced Lieutenant-Governor McArthur, and as presiding officer of the joint convention, he ruled that the votes cast for Doolittle were void, but conceded an opportunity to have the question argued.[47]

Mr. Horn attempted to introduce the opinion of the Attorney-General, which was known to be adverse to Mr. Doolittle's eligibility. This the body refused to hear and even tried to keep it from the hands of the presiding officer. After considerable excitement the resourceful Lieutenant-Governor obtained and examined the paper.[48]

The convention then reversed the chairman's decision relative to Mr. Doolittle's election. The Lieutenant-Governor, in turn, refused to certify Senator Doolittle's election. Lyman Spooner, Speaker of the Assembly, made out the certificate of election, but the persistent McArthur refused to annex his signature.[49]

The heat of this contest would inevitably germinate legislative

[45] Doolittle did not include the Georgia precedent in the caucus reply, but made free use of it in later speeches.

[46] *State Journal*, Jan. 21, 1857.

[47] "Journal of Joint Convention," *Sentinel*, Jan. 26, 1857.

[48] *Ibid.*

[49] Doolittle Mss.

action. The act of February 12, 1857, provided "That if the President of the Senate or the Speaker of the Assembly shall neglect to report or refuse to report the action of the joint convention, the Chief Clerk of both houses shall prepare certificates stating all the votes," and the Governor shall prepare and deliver certificates to the duly elected candidates.[50] The following day such a certificate was dated in the Governor's office and it bore the signature of his private secretary.[51]

The election of Doolittle met with very general approval. Even the *Argus and Democrat*, after commenting upon his political vagrancy, admitted that he was a man of "a good deal of common sense and ability." [52] George B. Smith in his cryptic comment regarded the "Republicans as prompt pay." [53]

The Republican press of the state radiated more enthusiasm. "Doolittle is an able man — none more so can be found in the United States Senate," said the Kenosha *Tribune and Telegraph*.[54] The *State Journal* voiced similar sentiments: "He will do honor to the state in the United States Senate and prove himself an able and faithful champion of the rights and interests of the Northwest and of the principles of Republicanism." [55] The *Sentinel* classed him as second to none in the Senate and affirmed, "the slave power will find in James R. Doolittle an opponent able to cope with its most vaunted champions." [56]

It might be expected that with the defeat of Howe the state-rights issue had served its turn and would drop from politics. However, such was not the case. To the citizens of Wisconsin, state rights was no empty gesture. There was the obnoxious Fugitive Slave Law. Although the federal courts upheld it, a mass meeting in Racine, March 11, 1854, had declared "the slave-catching law of 1850 disgraceful and repealed." [57] The doctrines of state rights was an historical form of protest. To protect

[50] *Wisconsin Statutes*, 1858, p. 118.

[51] Official certificate bearing the Governor's seal in the Doolittle Mss.

[52] *Argus and Democrat*, Jan. 24, 1857.

[53] Smith, Diary, Jan. 23, 1857.

[54] Issue of Jan. 29, 1857. Similar statements appeared in the Janesville *Gazette*, Jan. 24, 1857.

[55] Issue of Jan. 24, 1857.

[56] Issue of Jan. 27, 1857.

[57] Racine *Advocate*, March 11, 1854; Winslow, *op. cit.*, 71.

Wisconsin offenders from penalties of the law was the real purpose in resurrecting this minority weapon. It had to be wielded by the state courts to defeat the processes of the federal officials. The Booth case thus logically became the focus of attention in this all-absorbing conflict between state and national authority.[58] As the case dragged on through appeals before the courts, the interest and excitement grew. Booth, as the editor of a sensational Abolitionist paper, was in position to receive widespread publicity.

State political careers were being made and broken on this case. It was the decisive issue in the selection of the justice of the state Supreme Court in 1855.[59] At the time that the federal Supreme Court announced its decision in the Booth case, a Wisconsin judicial election was in progress. Even the popular Abram Smith, who had issued the first writ on behalf of Booth,

[58] For the convenience of the reader, a brief summary of the facts in the Booth case is submitted:

Joshua Glover had escaped from a Missouri master, Banammi W. Garland. Glover had resided as a laborer not far from Racine for two years. On March 10, 1854, Garland with federal agents appeared, struck down Glover, and carried him away to the Milwaukee jail. The inhabitants of Racine held a mass meeting at the courthouse, declared the Fugitive Slave Law "repealed," telegraphed Sherman M. Booth, editor of the *Free Democrat*, in Milwaukee. Booth aroused the town, consulted lawyers, but insisted that he counseled against violence. The rescue was effected and Glover was sent off to Canada in a lake schooner.

Booth was arrested for assisting in the Glover rescue, and a hearing was held before the United States commissioner, Winfield Smith, who bound Booth over for trial. The latter gave bail which was later withdrawn. Booth then applied to Justice A. D. Smith of the state Supreme Court for writ of habeas corpus. This was granted.

The United States District Court convened, re-arrested Booth, and convicted him. He was delivered to the sheriff of Milwaukee County to serve his sentence. Appeal was made to the state Supreme Court for the writ of habeas corpus, which was again granted. Appeals to the United States Supreme Court against both of these decisions were sought, but the state court refused to enter these orders.

Byron Paine had served as counsel for Booth in the contest. He had become a political hero from these efforts, and as a political reward, succeeded the popular Smith upon the Supreme Court bench.

The federal Supreme Court on March 7, 1859, sustained the district court and denied the right of action asserted by the state Supreme Court. Booth was re-arrested to serve his sentence and again applied to the state Supreme Court for the writ of habeas corpus. Justice Paine, who had served as his counsel, previously, declined to participate in the consultation of the Court. Justice Cole upheld the former state decision supporting the granting of the writ. Chief Justice Dixon *in re Booth* refused to defy the federal court. 3. *Wisconsin*, 13-197; 3 *U. S.*, 130; 11 *Wis.*, 512-42.

[59] Howe and Crawford had been eliminated on this issue. Winslow, *op. cit.*, 119.

was set aside by the Republican caucus in order to follow the more glittering champion, Byron Paine, who had served as counsel to Booth.[60]

Two weeks after the Booth decision, Carl Schurz addressed a Milwaukee mass meeting on the subject, "State Rights and Byron Paine." One would search far to find a stronger or more impassioned appeal for state rights. His concluding challenge ran:

> There is almost nothing left to be proud of but the gallant independence of our Supreme Court, and the spirit of liberty which caused the people to sustain them. . . . Will you sacrifice that also? . . . Will you see Judge Miller's opinions and pretensions infest the highest court of this state? Will you see the dirty finger marks of the Buchanan Administration on the Supreme Bench of Wisconsin? . . . Let liberty and self-government present an unbroken front. . . . Their banner bears the inscription, "STATE RIGHTS AND BYRON PAINE." [61]

A year later Schurz asserted that this was the most enthusiastically received of any of his public addresses.[62] Paine was elected by a large majority.[63]

On March 19, 1859, the State Legislature passed resolutions strongly condemning the United States Supreme Court for assuming undelegated powers. These resolutions again quoted the Virginia and Kentucky resolutions, inserting "positive defiance," by states, instead of "nullification," as the remedy for federal encroachment.[64]

The indecorous conduct upon the part of Wisconsin officialdom inevitably attracted national attention, and brought upon the state the condemnation of friends of the Fugitive Slave Law. On the floor of the United States Senate, Robert Toombs hurled impassioned charges at northern Disunionists. This called forth

[60] Paine's arguments in behalf of Booth had been: (1) Congress had no power to legislate upon the return of fugitives; (2) the act violated the guarantees of habeas corpus and trial by jury as provided in the Constitution; (3) the act bestowed judicial powers upon non-judicial officials. Winslow, *op. cit.*, 119.

[61] Schurz did not include this address among those published in 1865, because he had changed his views on the subject. Carl Schurz, *Reminiscences* (New York, 1907-1908), II, 113. *Sentinel*, Mar. 23, 1859.

[62] *State Journal*, March 2, 1860.

[63] Winslow, *op. cit.*, 119-21.

[64] *State Journal*, March 16, 1859.

formal replies from both Senator Hale and Senator Doolittle. Hale's reply of February 14 denounced the federal Supreme Court: "I believe that its history has verified all, and more than all that Jefferson prophesied of it; and I believe that its encroachments must be met by the action of State Governments . . . I thank the Senator from Georgia for having promulgated the doctrine that the 'State Supreme courts are not subordinate.' "[65] Doolittle had assisted Hale in his reply, and his own speech on February 24 offered little that was new. It reiterated the arguments and many of the phrases that were used in the reply to the caucus of 1857. There were expressions of devotion to the Union, and he made extensive use of the Georgia precedents.[66] The Wisconsin press exulted over his triumph.[67]

In 1860 the prospect of victory was sobering the leaders in the Republican party. The Wisconsin Republican Convention met on February 29. Howe and Schurz, as leaders of opposing but friendly factions, had agreed to avoid the issue of state rights. However, the nomination or refusal to nominate Chief Justice Dixon involved that very point, inasmuch as Dixon had refused Booth's application for a third writ of habeas corpus to release him in the face of the decision of the United States Supreme Court.[68] Howe wanted to avoid the question by refusing to make any nomination of a chief justice. Schurz succeeded in securing the nomination of Judge Sloan, a known state-rights advocate, but the electorate sustained Dixon as an independent candidate in the spring election.[69]

The vindication of Howe came with his election to the United States Senate in January, 1861. Before the meeting of the Wisconsin Legislature, he had re-defined his stand supporting the decisions of the United States Supreme Court, but this was not used against him in the election.

The Racine *Advocate*, Senator Doolittle's organ, published Howe's speech and added: "We do not expect to see the State

[65] *Globe*, 36 Cong. 1 Sess., 764.

[66] *Ibid.*, App., 126.

[67] *State Journal*, March 1, 1860; Racine *Advocate*, March 14, 1860.

[68] Booth was released by a rescue party and then pardoned by President Buchanan. Racine *Advocate*, Aug. 8, 1860; Winslow, *op. cit.*, 124.

[69] *State Journal*, March 2, April 14, and 20, 1860.

Rights issue made prominent in the Senatorial election. When the National Government was in the hands of the Slavocracy, it was important to have, in our national council, representatives who watched with zealous care every encroachment upon the reserved rights of the States''; but with a safe Republican administration the danger was past for the time.[70]

In connection with the election of Howe, the *State Journal* asserted: "The question which was raised four years ago has not been publicly revived during the present contest. Many of Judge Howe's warmest supporters were from the State Rights section of the party. No political tests outside of the Republican platform are to be applied in the future."[71]

As a responsible majority party administering a government, about to disintegrate through the application of extreme state-rights doctrine, many Republicans soon abandoned the old theory and turned to the opposite extreme of national consolidation. The change was so complete that it is today difficult for most persons to conceive that state rights was ever espoused by a Republican organization. In Wisconsin it played an important part in every Republican contest from 1855 to 1860. In the selection of Senator Doolittle in 1857, the Caucus Resolutions made state rights a *sine qua non* for nomination, and Doolittle, as an able lawyer and orator, reared in the state-rights Democracy, was a natural leader to voice this doctrine in the new party. His adherence to this doctrine at a later date marked him for castigation by his former colleagues and supporters. In the light of his first election, one should not attribute these views to personal inconsistency.

[70] Racine *Advocate* quoted in *State Journal*, Jan. 11, 1861.
[71] *Ibid.*, Jan. 23, 1861.

THE INTRIGUES OF DOCTOR JAMES O'FALLON

By John Carl Parish

Side by side with the machinations of James Wilkinson in the unquiet region of the Trans-Allegheny were the intrigues of a number of lesser characters. Usually these plotters helped spin the intricate web that radiated from the arch-conspirator in Frankfort, or united their minor strands with the various ramifications of his major designs. Sometimes they interfered with the pattern he had in mind and straightway found themselves entangled in the stuff they were weaving. Notable among these contemporaries was Doctor James O'Fallon.

This curious Irish adventurer, friend of Tom Paine and Anthony Wayne, and brother-in-law of George Rogers Clark, spent twenty hectic years in America and in that time played many rôles. In 1776 he was jailed as a man dangerous to the patriotic cause. In 1777 he was a captain of cavalry, and in 1779 a senior surgeon in the revolutionary service. In 1783 and 1784 he was a fanatical anti-loyalist; in 1788 he sought the privilege of colonizing Irish Catholics in Spanish East Florida; in the early nineties he was the central figure in the western intrigues over the Yazoo lands, and the associate of George Rogers Clark in Genêt's threatened attack upon Louisiana.

But he was never a successful adventurer. The Yazoo Company failed to support him, Kentucky friends deserted him, Wilkinson betrayed him, the President of the United States denounced him in a proclamation, the King of Spain issued orders for his arrest, he came to blows with George Rogers Clark, his wife left him, and early in 1794 he died, with no obituary in the newspapers and apparently little mourning over his departure.

James O'Fallon, or Fallon as he was known throughout most of his life, was born on March 11, 1749, in the County of Roscommon, Ireland. Practically the only source of information in regard to his early life is a sketch given to Lyman Draper by

his son, John O'Fallon.[1] John was but two years old when his father died and the document bears all the earmarks of James O'Fallon's own preparation. Parents of means gave him the advantage of travel on the continent and two years of medical study at the University of Edinburgh. He did not graduate from the University,[2] but having somewhere acquired the title of doctor he set out in 1774 for the British colonies in America, moved, so the account runs, by the desire to join a revolt which seemed imminent. "The strong spirit of freedom was already in James, and, (as a *genuine* Irishman) an hereditary aversion to British oppression."[3]

After being shipwrecked, he landed on the coast of North Carolina and settled for the practice of his profession in the town of Wilmington. Here he was shortly on the best of terms with the leading families of the region, including (despite his "hereditary aversion") the British Governor, Josiah Martin. But "he no sooner breathed the American air," writes his inspired chronicler, "than he perceived, the strong impulses of liberty and the desire of humbling the ancient oppressor of his native country and family, throbbing within him."[4] He broke — we are told — with the British Governor and was imprisoned for attacking him in verse and prose. Whereupon there came to his rescue county militia to the number of 800 men who carried him out of prison into the streets in an armchair on their heads, and created such a patriotic tumult that the Governor was forthwith exiled to a King's ship in the river.[5]

[1] Draper Mss., 34 J 20-23, Library of the State Historical Society of Wisconsin. To the document is added the following statement by the son, John O'Fallon: "The foregoing is taken from the Pedigree or narrative of my father Dr James O'Fallon which I recd when about 21 years of age, from Major Croghan. . . . " See, also, *ibid.*, 34 J 12, 18, for information contributed by John O'Fallon, and *ibid.*, 4 CC 171, for a brief account of the Irish ancestors of James O'Fallon. Cf. Burke, *A Genealogical and Heraldic Dictionary of the Landed Gentry in Great Britain and Ireland* (1855), 366.

[2] The names of graduates, by years, are given in *List of the Graduates in Medicine in the University of Edinburgh, from MDCCV to MDCCCLXVI* (Edinburgh, 1867). The name of James Fallon, or of James O'Fallon, does not appear in the list. He was perhaps granted a license to practice medicine by the Royal College of Physicians and Surgeons of Edinburgh or some other institution of this type.

[3] Draper Mss., 34 J 20.

[4] *Ibid.*, 34 J 21.

[5] *Ibid.*

This makes a pretty story, but the contemporary documents printed in the *North Carolina Colonial Records* give quite a different version. The minutes of the Committee of Safety of Wilmington for January 15, 1776, show that body to have ordered Fallon into custody in the guardhouse because he had written a paper which was put up to public view under the courthouse. It was signed "A Lawyer" and addressed "To those who have a true sense of distributive justice and untrammeled liberty, residents of the borough of Wilmington." The paper was said to contain "many false and scandalous reflections on this committee, tending to inflame the minds of the people; to create division and dissention amongst us by destroying that unanimity so essentially necessary to our mutual defence; and also containing an illiberal and groundless charge against a respectable gentleman deservedly high in office in this colony."[6]

A few days later Colonel Moore reported that he considered "Dr Fallon to be an insinuating and dangerous person among the soldiers and that he can not, without injuring the common cause and running the risk of the public safety any longer keep the said Fallon in the Guard House." So the Committee of Safety ordered him transferred to the common jail.[7] In jail the irrepressible Doctor continued the use of his pen "to repeat and justify his offences," whereat the Committee forbade him all visitors[8] and refused his request for a copy of the paper signed "A Lawyer" which had stirred up all the trouble.[9]

Whatever may have been the contents of this paper, and whatever the sentiments which Colonel Moore deemed so injurious to the common cause, there is no room for doubt that ultimately Fallon joined the revolutionary forces. His own sketch tells of his gallant service in the engagement at Moore's Bridge, and credits him with organizing thereafter a hundred Irishmen from the western part of North Carolina into a company which was attached to a Georgia battalion and ordered into Pennsylvania.[10]

[6] *North Carolina Colonial Records*, X, 410. Beginning with Vol. XI these are known as *North Carolina State Records*. Cited hereafter as *N.C.C.R.*, and *N.C.S.R.*, respectively.

[7] *Ibid.*, 418.

[8] *Ibid.*, 412, 419-20.

[9] *Ibid.*, 422.

[10] Draper Mss., 34 J 20-23.

His professional training, however, led to his assignment to the medical service and he became a surgeon in the Pennsylvania Line.[11] In April, 1779, he wrote to Dr. Thomas Burke, later governor of North Carolina, from Fishkill, New York, where he was then senior surgeon in the hospital.[12] This letter gives evidence of previous service of a similar nature in Connecticut. In the later years of the war, he appears to have been located again in Pennsylvania.[13] The Continental Congress in January, 1782, recommended Fallon and other surgeons of the general hospitals to the state of Pennsylvania for pay,[14] and Pennsylvania took favorable action in 1784.[15]

At the close of the war, according to Fallon's own narrative, "In company with his friend Major Pierce Butler, Mrs. Butler, and Comodore Alexander Gillon, he set out for Charleston in South Carolina, and there settled in extensive practice."[16] His trail may thereafter be picked up in the files of the Charleston newspapers and in the correspondence of Archibald Maclaine of Wilmington, North Carolina, with George Hooper of Charleston. Maclaine had been a member of the Wilmington Committee of Safety at the time of Fallon's incarceration in 1776.

[11] *Pennsylvania Archives* (3rd Ser.), XXIII, 396. The name "Fallon, James, Surgeon" appears under "Hospital Department" in a list entitled "Miscellaneous Rolls — Soldiers of Pennsylvania Line — 1777-1780."

[12] Fallon to Burke, April 1, 1779, *N.C.S.R.*, XIV, 49-50.

[13] The names of James Fallon, and "Doct'r Fallon" appear on a tax list for the city of Philadelphia for the year 1782. *Pa. Arch.* (3rd Ser.), XVI, 325, 333. The identification of these references with the subject of this sketch is of course only conjectural.

[14] Gaillard Hunt (ed.), *Journals of the Continental Congress, 1774-1789. . . .* (Washington, 1914), XXII, 4.

[15] Joseph Meredith Toner, Medical Men of the American Revolution, Vol. V, Division of Manuscripts, Library of Congress. See *Pennsylvania Colonial Records*, XIII, 170; XIV, 192, for acton by the Council of Pennsylvania on the recommendation of Congress.

[16] Draper Mss., 34 J 22. In the Toner mss. is a statement that Fallon sailed "on board the South Carolina Oct. 1782 from Philadelphia & off the capes of the Delaware, surrendered to 2 British Frigates." Toner does not give the source of his information and the facts are rather against its acceptance. See Gardner W. Allen, *A Naval History of the American Revolution* (Boston, 1913), II, 583-86, and Charles O. Paullin, *The Navy of the American Revolution. . . .* (Cleveland, 1906), 438-39, for the story of the *South Carolina* and its commander, Alexander Gillon. See, also, a biographical sketch of Gillon in *South Carolina Historical and Genealogical Magazine*, I, 32-33.

"I am sorry," Maclaine wrote, early in 1783, "that my want of leisure will not permit me to give you the history (as far as I am acquainted with it) of the life and adventures of the *divine-physical* gentlemen to whom you allude. This is the epithet bestowed upon him by his cousin, Hugh Kelly of London, whom he took in for a considerable sum, at the very time he was determined on his voyage to our continent. As soon as my time will permit, I will help you out. I owe the scoundrel something on my own account." [17]

Fallon was soon in the thick of a radical, anti-loyalist movement, led by Alexander Gillon, the "Comodore" with whom he had left Philadelphia.[18] A club known as the "Smoking Society," converted into the "Marine Anti-Britannic Society," became the vehicle of their activity, with Gillon as president and Fallon as secretary; and in the columns of the Charleston newspapers thereafter appear frequent communications from "James Fallon, Secretary," calling meetings, reporting rules and resolutions and presenting letters to editors.[19]

The political feeling in the city was bitter, and frequent attacks were made upon the leaders. In the *South Carolina Gazette and General Advertiser*,[20] appears a long letter from "A Steady and Open Republican" which includes a statement to the effect that "Mr. *Official* Secretary has declared, that, like another Pompey, at a stamp of his foot, he could start up 500 men." [21] The remark is quite in key with many of the later pronouncements of the voluble Doctor.

The letters of Maclaine, a man of prominence in his state and in the patriotic cause, contain many references to Fallon. He writes of protested notes of Fallon's to the extent of £200 sterling, reiterates the charge that the Doctor came to America on money euchred out of his lame cousin, Hugh Kelly, and states

[17] Archibald Maclaine to George Hooper, March 25, 1783, *N.C.S.R.*, XVI, 951.

[18] The story of this radical democratic movement under the leadership of Gillon and Fallon is well told by Ulrich B. Phillips in "The South Carolina Federalists," *American Historical Review*, XIV, 533-37.

[19] *Gazette of the State of South Carolina*, Nov. 27, 1783. See, also, issues for April and May, 1784.

[20] Issue for May 13, 1784.

[21] See, also, Phillips, "S. C. Federalists," *Am. Hist. Rev.*, XIV, 534, for reference to an earlier attack upon Fallon in the *Georgia Gazette*.

that General Greene is very solicitous to have authenticated the basis of this charge.[22] But the anti-loyal agitation died out in 1785,[23] and in the discussion of new issues to which the parties turned, Fallon does not appear to have taken a conspicuous part.

A distinctly new phase of Fallon's career began in the latter part of the 1780's when he opened negotiations with Spanish officials. In this new capacity we find him parading under a slightly different name and henceforth to the end of his days he is known under the more high-sounding cognomen of O'Fallon.[24] In May, 1788, he wrote to Don Diego de Gardoqui, Spanish chargé d'affaires in New York, a letter accompanied by a long document outlining an ambitious scheme for the colonization of the northern part of East Florida.[25] In the letter itself he dwelt at great length upon the international situation, stressing the danger to Spain in America from two principal agencies: the growing power of the United States, and the machinations of Great Britain. He charged England with definitely manipulating the treaty of peace in 1783, so as to break the harmony between the United States and the two Bourbon nations. The cession of the land beyond the Alleghenies as far south as the thirty-first parallel, and the arrangement for the common enjoyment of the free navigation of the Mississippi, were, according to O'Fallon, definitely for the purpose of sowing seeds of discord between the United States and Spain, and indirectly of bringing about the destruction of the alliance with France. This being accomplished, England would make an alliance of her own, either with the United States as a whole or with detached and

[22] Archibald Maclaine to George Hooper, Dec. 23, 1783; Sept. 28, 1784, *N.C.S.R.*, XVI, 997; XVII, 169. Other references to Fallon are in letters dated Aug. 23, and Dec. 16, 1783; Jan. 17, and June 25, 1784, *ibid.*, XVI, 977, 992; XVII, 125, 151. In the printed reproduction of these letters the name appears in three forms: Fallon, Tallon, and Tullon. But the facts stated in the letters of Dec. 23, 1783, and Jan. 17, 1784, prove that the references are to the same individual.

[23] Phillips, "S. C. Federalists," *Am. Hist. Rev.*, XIV, 537.

[24] The identity of James Fallon and James O'Fallon is proved by the fact that O'Fallon in his sketch of his life, which was handed down to his son, recounts, though with some distortion, the events which are portrayed by other sources for the life of James Fallon.

[25] O'Fallon to Gardoqui, May 26, 1788, Gardoqui Papers, I, 198-260, Durrett Collection, University of Chicago Library. This is a manuscript copy of a Spanish translation and covers, in the case of the letter, 12 pages, and in the case of the document, 51 pages, a typical instance of O'Fallon's extreme wordiness.

independent states formed by the settlers on the "western waters." This menace to the Spanish provinces would have to be met soon.

The growing strength of the United States, greatly increased by the new Constitution, would threaten the Floridas and New Orleans which the Americans coveted. All these dangers, O'Fallon maintained, made action by Spain imperative and to that end he presented his colonization scheme, to be coupled with certain "political measures." He remarked that for him to present these political measures in his letter would be imprudent; but his reference to the need of political relations with the Americans residing on the "western waters," and his mention of propositions he had received from Kentucky and Franklin, make it seem probable that he had in mind capitalization by Spain of the separatist tendency of the trans-Allegheny West.

He closed his letter with an attempt to strengthen his position by emphasizing the Spanish origin of his family, and the services his kinsmen had rendered on behalf of Spain. He generously offered to come to New York or even to go to Madrid to discuss the plan of colonization, providing only that his expenses were paid.

The document which accompanied his letter and presented the actual scheme of colonization contained many thousand words but it can be summed up briefly. He proposed that the Spanish government turn over to him a tract of land across the northern margin of East Florida, sufficient to give 857 acres each to 5,000 heads of families whom he would colonize in the district during a period of seven years. He stipulated that he might admit, as associates, not to exceed five other persons who would form with him a company for the better execution of his project. He and his associates would become citizens of Spain and the colonists would be required to take an oath of allegiance to the Spanish Crown. The subjects whom O'Fallon planned to collect were all to be Catholic and would be mostly Irishmen, although he expected during the seven years of recruiting to travel over America, Ireland, Great Britain, Flanders, France, Germany, and Holland in search of the best material. He suggested that he receive for his work an annual salary of a thousand guineas, plus five hundred more for traveling expenses, a sum small, he

remarked, in comparison with his yearly income as a physician in Charleston. There would be certain expenses to the Crown for the transportation of colonists to East Florida, but O'Fallon estimated that the entire cost of the project during the seven-year period would not be more than £250,000, and he waxed eloquent over the 20,000 loyal souls whom he could so easily gather and set up as a rampart against American aggression or English intrigue. A characteristic touch appears in O'Fallon's argument, that the scheme would not only be a project for a valuable colony but it would give him the opportunity while traveling abroad to ferret out secrets and pick up information as to the designs of foreign cabinets which might affect the interests of the Spanish Crown which employed him.

Gardoqui sent the letter and document on to Floridablanca in Madrid, saying that according to report, O'Fallon was a restless and turbulent adventurer. Nevertheless, he had thought it wise to answer him courteously promising him that his project would be given consideration and the result communicated to him.[26] This was probably the end of the matter, although O'Fallon later claimed to have carried on extensive relations with Gardoqui, as a colonizer and as a spy upon British and American activities.[27]

The trans-Allegheny region, however, offered at this time the best field for intrigue. Wilkinson's successful trip to New Orleans in 1787 had no doubt influenced the scheme of O'Fallon in East Florida as it did the projects of George Morgan, George Rogers Clark, and others in various parts of the West.[28] The region about the mouth of the Yazoo River offered particularly strategic attractions, and Wilkinson himself had written to Gardoqui asking for a colonial concession at this point where he, together with Innes, Sebastian, Dunn, and Brown, might find refuge under Spanish authority in time of need.[29]

[26] Gardoqui to Floridablanca, July 25, 1788. Gardoqui Papers, I, 196-97.

[27] O'Fallon to Miró, May 24, 1790. Charles Gayarré, *History of Louisiana* (New Orleans, 1903), III, 291-92.

[28] Arthur P. Whitaker, *The Spanish-American Frontier: 1783-1795. . . .* (Boston, 1927), 128.

[29] Wilkinson to Gardoqui, Jan. 1, 1789; Wilkinson to Miró, Feb. 12 and 14, 1789. These letters are printed in Gayarré, *op. cit.*, III, 247-51, 223-47. See particularly pp. 234, 242-43, 251. Cf. Whitaker, *op. cit.*, 129.

In Charleston, South Carolina, three men of influence, Alexander Moultrie, William Clay Snipes, and Isaac Huger, were planning bold deeds in the realm of western real estate. Associated with them was a Georgian adventurer, Thomas Washington, whose real name is said to have been Thomas Walsh, and who a few years later was hanged in Charleston for counterfeiting.[30] This group of four men acquired a grant of land in the Yazoo country from the Choctaw, organized the South Carolina Yazoo Company, and began vigorous action for a colony.[31]

In 1789 they deputized Captain John Holder to proceed with supplies to the region, and secured the coöperation of John Cape, a Kentuckian, with respect to Indian affairs. Meanwhile they began a movement to get a grant from the state of Georgia. In September and October they wrote enthusiastic letters to Holder and Cape assuring them that the success of the legislative program was no longer in doubt and urging them to take instant possession, establish friendly relations with the Indians, and make overtures to the Spanish officials. The implication of an independent state is unmistakable in these letters.[32]

[30] Charles H. Haskins, "The Yazoo Land Companies," American Historical Association, *Papers*, V, Part 4, p. 65; Whitaker, *op. cit.*, 129.

[31] Letter of James O'Fallon to the editor, Mr. Bradford, in the *Kentucky Gazette*, March 31, 1792. This lengthy epistle, continued in the issue for April 7, contains much information about the organization and activities of the company. See, also, *An Extract from the Minutes of the South-Carolina Yazoo Company* (Charleston, 1791), I, 17-18, 36-37, 40-41. This printed book, prepared by the secretary of the company, consists of three parts and numerous appendixes. Part I is a history of the company and an invaluable source, although as Professor Haskins points out, the volume reveals merely those facts and purposes which the company wished the public to know. The present writer has had access to the material through a photostatic reproduction of a copy in the possession of the Maryland Historical Society. The promotion activities of the company are clearly shown in two letters written by Alexander Moultrie in January and February of 1790. One is to Benjamin Farrar, a wealthy planter in the Natchez district and a Spanish subject. The other is to Alexander McGillivray, the famous Creek chieftain. These documents are printed with editorial notes by Dr. Arthur P. Whitaker under the heading "The South Carolina Yazoo Company" in the MISSISSIPPI VALLEY HISTORICAL REVIEW, XVI, 383-94.

[32] Thomas Washington to John Cape, Sept. 20, 1789; Moultrie, Snipes, and Huger to Holder, Oct. 1, 1789. These letters are found in the Spanish translation in the transcripts in the Department of Archives and History (Jackson, Miss.), Mississippi Provincial Archives, Spanish Dominion, III, 441-48. They are printed in Manuel Serrano y Sanz, *Documentos Históricos de la Florida y la Luisiana*, 383-87. A number of documents relating to James O'Fallon were examined by the present

This correspondence came into the hands of James Wilkinson who was of course greatly interested. Here was a well-backed project aimed at the very region in which he and his Kentucky friends had hoped to settle. He passed the letters on to Estevan Miró, Spanish Governor at New Orleans, with the characteristic remark that both Holder and Cape were dependent upon him and were inconsequential creatures from whom he did not anticipate trouble.[33] He reported further that he had written to Moultrie and his associates giving advice and suggesting that he act as their agent.[34] He thus hoped to bring about, he said, the attachment of the new state to the domains of Spain.

In the meantime the Georgia legislature had made grants of land on the Mississippi to three companies, the Virginia Company, the Tennessee Company, and the South Carolina Yazoo Company. The last, reorganized and enlarged into a company with twenty shares, chose Alexander Moultrie as director and Doctor James O'Fallon as general agent.[35] O'Fallon was given

writer in the Spanish archives several years ago. In the present study, however, the Spanish archival material has been consulted largely in transcript form in the Library of Congress, the Newberry Library in Chicago, the Durrett Collection, the Mississippi Department of Archives and History, and the Louisianna Historical Society in New Orleans. Therefore, the citation to sources will be to these transcripts.

[33] Wilkinson to Miró, Jan. 26, 1790, Archivo General de Indias (cited hereafter as A.G.I.), Audiencia de Santo Domingo, 86-6-18 (Miss. Prov. Arch., III, 439-41). This letter is printed in Serrano y Sanz, *op. cit.*, 382-83. Gayarré, *op. cit.*, III, 276-77, also quotes extracts from this letter, re-translated into English, but he wrongly dates the letter January 20. The transcripts which he used, now in the La. Hist. Soc. library, give the date January 26 with an alternative date 20 above the 26.

[34] Wilkinson to Moultrie, Huger, Snipes, and Washington, Jan. 4, 1790, inclosed with the letters cited in preceding note, in Miró's No. 49 *reservada* to Valdez, Miss. Prov. Arch., III, 448-55; printed in Serrano y Sanz, *op cit.*, 387-90. This letter states also that Wilkinson had received, in the preceding April, a letter from Thomas Washington, dated Feb. 21, 1789, discussing the Georgia land project. In the *Minutes S. C. Yazoo Co.*, I, 24, is an abstract of Wilkinson's letter to the company. In this version Wilkinson is quoted as recommending the appointment of a proper person (presumably himself) to negotiate with Spanish officials, suggesting Innes, Muter, Nicholas, and Sebastian as leading Kentuckians whose services the company should secure, and offering to act in coöperation with an agent whom the company should send out to Kentucky. The reply of the company is represented as an offer to admit Wilkinson to a large share in the purchase and to admit his four friends "to one-twentieth each, on equal terms with the other proprietors" (p. 25).

[35] Aside from the four original members of the company (Washington, Huger, Snipes, and Alexander Moultrie), the sketch of O'Fallon in the Draper Mss. names six others of the twenty making up the enlarged group. These are: O'Fallon, Gen. William Moultrie, recently governor of South Carolina, and "Gov Telfair, Judges Osborne and Walton and Col McIntosh of Georgia." Draper Mss., 34 J 20-23.

instructions to proceed to Kentucky, get an accounting of goods from Holder, recruit and initiate the colony at the mouth of the Yazoo, conciliate the Indians, and visit New Orleans for the purpose of establishing relations with the Spanish Governor. He was to appoint agents, subordinate to himself, for Kentucky and the Yazoo country, and also keep an agent among the Choctaw. These instructions, signed by Moultrie on March 9, 1790, make no reference to the United States government nor to the relations of the colony thereto. On the other hand, they include no statement which could be said clearly to indicate separatism, as did the letters written by the members of the company to Holder and Cape in the preceding year. Additional secret instructions were issued to O'Fallon but these have not been found.[36]

O'Fallon set out at once, and after stopping on the way to talk with leaders in South and North Carolina, and at Jonesboro to concert with John Sevier who had asked to join the company, he arrived at Lexington on April 27.[37] In Kentucky he immediately came in touch with Wilkinson, to whom he brought a letter from Moultrie thanking him for his offer of services as general agent. Although O'Fallon had been given that position, the company welcomed the coöperation of Wilkinson and offered him a share in the enterprise.[38]

O'Fallon was not a wholly astute person and probably had little idea of the man with whom he now associated. Wary at first, he soon came to repose complete confidence in Wilkinson. But Wilkinson was merely following the policy of controlling

[36] That O'Fallon came to Kentucky equipped with a commission, general instructions, and secret instructions, is attested by O'Fallon himself (*Ky. Gazette*, April 7, 1792) and by the secretary of the S. C. Yazoo Company (*Minutes S. C. Yazoo Co.*, I, 26-28). The text of the general instructions described above is in the Draper Mss., V 73. Their identification as the general rather than the secret instructions, is founded on their precise correspondence with the provisions of the general instructions as specifically paraphrased by the secretary from the records of the company. *Minutes S. C. Yazoo Co.*, I, 26-28.

[37] O'Fallon to John Sevier, April 7, 1790. Draper Mss. 5 XX 23. See, also, Alexander Moultrie to John Sevier, March 8, 1790, *ibid.*, V 72. This was written in answer to one from Sevier to Moultrie, Feb. 11, 1790. Cf. O'Fallon to Bryan Bruin, May 13, 1790, and O'Fallon to Col. Bryan Bruin (son of preceding), in Louisiana Manuscripts, Bancroft Library, Berkeley, Calif.

[38] Alexander Moultrie to James Wilkinson, Feb. 27, 1790 (Miss. Prov. Arch., III, 473-76). Cf. note 34, *ante*.

his competitor. Furthermore, with the waning of his hopes for an independent Kentucky, the new project was welcomed because it gave him a means by which he could exact pay from Spain for protecting Spanish interests. He continued to inform Miró of every move. For the time being he supported O'Fallon and though criticising him somewhat as a light and vain personage, reported him to Miró as a real and useful friend of Spain.[39] About the time O'Fallon arrived in Kentucky, Miró, alarmed at Wilkinson's account of the project of the South Carolina Company, wrote to the General stating unequivocally that the Indian grant was unlawful, that the grant from Georgia was for territory belonging to Spain, and any attempt to settle in the Yazoo country would be forcibly resisted.[40]

In Kentucky O'Fallon began at once the collection of goods from Holder and the organization of his colonial venture. He also planned for a visit to New Orleans. Two letters to Miró exhibit his ideas. One was written, May 24, 1790. He was coming down to New Orleans in June to lay his credentials and plans before the Governor. The colony was to be independent of the United States, ready to form a close alliance with Spain and to serve as a rampart for the protection of her frontier provinces. To this initial organization all the territory west of the Alleghenies would gravitate, renouncing in turn their allegiance to the Union. The letter was couched in extravagant terms, warmly expounding his affection for Spain.[41]

The second letter, written on July 16, 1790, was still more remarkable. By this time he had learned from Wilkinson of Miró's plan of resistance to the colonial establishment and he evidently thought that such a statement of policy must be countered by a threat. So, while reiterating his allegiance to the Spanish nation and extolling the advantages to Spain of such a union, he asked, rather baldly, what would happen if Miró refused to allow such an establishment. No doubts existed in his mind that the com-

[39] Gayarré, *op. cit.*, III, 293. See, also, letter, Miró to Las Casas, Oct. 7, 1790, No. 9, *res.*, discussing the relations of Wilkinson and O'Fallon, A.G.I., Papeles de Cuba, legajo 1446, photographic copies of despatches to the captains general of Cuba, Division of Manuscripts, Library of Congress.

[40] Miró to Wilkinson, April 30, 1790, Gayarré, *op. cit.*, III, 281-82.

[41] O'Fallon to Miró, May 24, 1790, *ibid.*, 288-93. The letter is here re-translated into English and printed in full except for one brief sentence.

pany would prosecute its enterprise in any event, systematically and, if necessary, with the use of force. In case of such hostilities he, O'Fallon, must resign his agency (being wholly devoted to Spain) and another less friendly agent would be in charge. Furthermore, the company, if attacked by Spain or the Indians would (despite their separatist plans) call upon Congress for help, which the United States government, in his opinion, could not refuse. Thus would be re-opened the old differences between the two countries involving boundaries and the use of the Mississippi River, and these differences the Kentuckians and Frankliners, galled by restrictions at New Orleans, would soon bring to an issue.

O'Fallon thought it wise to make the most of the military preparations. There were already engaged from the Carolinas, Georgia, and Franklin "from three to five thousand well armed Men, without the incumbrance of Females, or Children," who would move out with the first establishment. This number did not include those who would come from Kentucky or the forces sent by the other land companies. The colonists were to meet at the Long Island of Holston River whence boats would take them down the Tennessee, Ohio, and Mississippi rivers to the Yazoo. They planned to arrive with strength superior to any attack. They were to be arranged by companies in military townships with 100 fighting men in each. The companies were to be grouped in battalions, battalions in brigades, and the whole subject to rigid military discipline. In addition to this militia, there would be a standing force of three cavalry companies and 400 infantrymen always on duty.

This threatening array, led by an agent less sympathetic than O'Fallon would bode ill for Spain. To put it in O'Fallon's wierd metaphor, it "may bring a *Firebrand* to your Door, which however effectually you may be enabled to circumscribe its blaze for a time, may at length throw such a spark into the combustibles which daily accumulate within the Bowells of these States, as would eventually plunge this Empire and your's into a general combustion." [42]

[42] O'Fallon to Miró, July 16, 1790. The original of this letter was retained by Miró and later sent to Wilkinson to be used against O'Fallon. It is probably no longer in existence. A copy was sent by Miró to Las Casas, Captain General at

The letter of May 24 put Miró in a reflective mood and he wrote to the Spanish minister, stating the arguments pro and con, but stressing the theory that Spain should found its own colonies. He had taken the precaution, he said, to secure the promise of the Indians to attack any Americans who came upon their lands, and as for O'Fallon, he would so manage him as to keep him hopeful until he received further instructions from Spain.[43] As late as September 20, Miró expressed himself to Wilkinson as eagerly awaiting the arrival of O'Fallon, in order that he might direct the project toward the ends which he deemed the most useful to his king.[44] Perhaps Miró had in mind the possibility which he had mentioned to Valdez, of controlling the colony by accepting immigrants who would come as subjects of Spain. He made no reference to O'Fallon's letter of July 16, and probably had not yet received it. Before the end of the month, however, this document had reached him and caused him considerable disturbance of mind. Wilkinson's injunction to be tranquil and trust him for news did not comport well with O'Fallon's story of such extensive military preparations.[45]

But Miró answered O'Fallon suavely and cordially. It was with great satisfaction that he observed the friendship which O'Fallon professed for Spain, and the Doctor's relations with Wilkinson added to the favorable impression. He had written to the Court about his plans and hoped for flattering results. With many compliments he expressed the hope that O'Fallon would soon make the trip to New Orleans. When he arrived at Bayou Pierre, Colonel Bruin would give him a passport, at Natchez he would receive a convincing welcome, and at New Orleans he would find in Miró himself a friend favorably disposed to the

Havana, in Miró's letter of Oct. 7, 1790, No. 9, *res.* Another copy was sent to Wilkinson for the purpose of eliciting more information on the situation in Kentucky. When, some time later, the original also was sent to Wilkinson, a copy in English was made. This copy is among the Louisiana Manuscripts, Bancroft Library. It covers 12 pages written in a fine hand.

[43] Miró to Valdez, Aug. 10, 1790, A.G.I., Aud. de Santo Dom., 86-6-18 (Miss. Prov. Arch., III, 457-73). Gayarré (*op. cit.*, III, 293-300), gives an extended résumé of Miró's report.

[44] Miró to Wilkinson, Sept 20, 1790, A.G.I., Pap. de Cuba, leg. 2362 (Newberry Lib. transcripts).

[45] Miró to Las Casas, Oct. 7, 1790, No. 9 *res.*, A.G.I., Pap. de Cuba, leg. 1446 (Lib. of Cong. trans.)

matter in question. This letter seems not to have reached O'Fallon who had to rely upon indirect evidence as to Miró's reception of his proposal.[46]

Meanwhile O'Fallon was very busy in Kentucky. His visit to New Orleans was postponed from time to time, though his military preparations went on apace. On September 16, 1790, a battalion of about 650 men was enrolled with John Holder as its colonel and commander. It consisted of a troop of cavalry, a company of artillery and eight companies of infantry riflemen. O'Fallon, on behalf of the South Carolina Yazoo Company, signed articles of contract making detailed provisions for the military organization. He promised, furthermore, to every woman "married or marriageable" who should accompany the troops to the settlement, a hundred acres of land, and "as a bounty of encouragement to female adventurers . . . five hundred acres of land to the first woman who shall land there; and five hundred more to her who shall bring forth in it the first live child, bastard or legitimate." [47]

O'Fallon kept the company in Charleston apprised of his doings during the summer and fall of 1790. He reported progress with Holder, with the Choctaw, with the Spanish Governor, and with his military arrangements. The proprietors were greatly pleased and on September 5 wrote to the General Agent signifying their entire approbation.[48] On the same day Alexander Moultrie wrote to Wilkinson telling of his enthusiasm over O'Fallon's activities and his pleasure at the assistance which Wilkinson was giving him.[49] Wilkinson replied assuring Moultrie that he would coöperate with O'Fallon in every way possible.[50]

[46] Miró to O'Fallon, Sept. 30, 1790, A.G.I., Papeles de Estado, leg. 9 (these are Newberry Lib. trans.). O'Fallon does not, in any of his six communications to Miró prior to March, 1791, mention receiving an answer from the Spanish Governor; and Miró, in a letter of May 8, 1791, to Las Casas, quotes Wilkinson to the effect that the messenger had informed him that he had not delivered the note to O'Fallon. *Ibid.*

[47] *American State Papers, Indian Affairs,* I, 115-17.

[48] *Minutes S. C. Yazoo Co.,* I, 31-34.

[49] Moultrie to Wilkinson, Sept. 5, 1790, A.G.I., Pap. de Est., leg. 9.

[50] Wilkinson to Moultrie, Oct. 20, 1790. The gist of this letter is given by Wilkinson in a letter to Miró, March 17, 1791, and it is referred to by date in a letter, Wilkinson to Moultrie, Nov. 4, 1790, *ibid.* A portion of the letter is quoted in *Minutes S. C. Yazoo Co.,* I, 35-36.

Early in October O'Fallon gave the company a full account of his military organization.[51] A fortnight later he reported his battalion complete and his departure imminent.[52] On November 6, he had not yet gone down to the Yazoo country but sent word that his "clerk at New Orleans, Mr Nolan" had assured him that no opposition would now be made to the settlement either by Spaniards or Indians. Within five or six days the first detachment of 300 men would set out. He himself would soon follow them, and 300 more troops and about 600 families would go down the river in February. "Everything as yet has favored me. I stay here that I may leave nothing of moment to chance. Sevier is jealous; he is of great moment to our interests. Why have you not written to him?"[53] After this letter the company for several months did not hear from their agent.

The fall days of 1790 were not occupied entirely with military affairs. O'Fallon turned his attention seriously to the task of advertising the colony. There appeared in the *Kentucky Gazette* a Philadelphia news item headed: "Extract of a letter from a gentleman in Lexington, (Kentucky.) to his friend in this City."[54] The letter was dated October 20, 1790, and was evidently written by O'Fallon. He described enthusiastically the soil, products, and possibilities of the new colony, and announced progress and plans far ahead of those he had reported to the company. A hundred families had been sent down in June by the General Agent, by whose efforts the Indians and Spaniards were reconciled to the enterprise, and O'Fallon himself was to set out immediately with his battalion. General Scott of Kentucky was to take 500 families with him.[55] Wilkinson was to

[51] *Ibid.*, 34-35.

[52] *Ibid.*, 37.

[53] *Ibid.*, 38-39. The letter is here given in extenso, if it is not a complete transcript. O'Fallon reported that Nolan who lay very ill of a fever, had sent a confidential messenger urging strongly that the time was ripe for action while Spaniards and Indians were favorable. O'Fallon therefore had "closed with the golden moment of opportunity, and resolved instantly to send down as many of our troops . . . as would consent to go." Philip Nolan had long been an agent of Wilkinson's. He had been the messenger who conveyed O'Fallon's letter of May 24 to Miró. It is probable that Wilkinson loaned his agent to O'Fallon with wisdom aforethought.

[54] This item as printed in the *Ky. Gazette*, Feb. 26, 1791, covers three columns of type.

[55] See, also, letter of O'Fallon to General Charles Scott, Sept. 4, 1790, urging the latter's participation in the project. Div. Mss., Lib. of Cong.

follow with 1,000 fighting men and their families by Christmas, and General Sevier was to take down a similar number. General McDowell would accompany the Frankliners from Long Island on the Holston with 300 from the back parts of North Carolina. Two hundred were to come from Cumberland and great numbers from the country of Alexander McGillivray who was claimed a member of the company. This was the glowing prospect on October 20, 1790. It scarcely needs to be observed that if O'Fallon could have achieved such a combination of leaders, troops, and colonists, he would have had no further necessity of conciliating the Spaniards, and the people on the "western waters" could have dictated their own terms as to the possession of the Trans-Allegheny and the use of the Mississippi River.

But two such men as Wilkinson and O'Fallon could hardly work long in unison. Each, intent upon his own ends, accepted the other's friendship merely for selfish reasons. Both spoke often and loudly of honor but neither one possessed any. Each was ready to desert or betray when it suited him. On the day the above enthusiastic prospectus of the colony was penned, Wilkinson had assured Moultrie of his coöperation with O'Fallon. On November 4, according to his own story, he wrote to Moultrie severing his connection with the company and saying merely that O'Fallon had departed so far from his original plans that as a man of honor he could no longer have dealings with him. In December he wrote to Miró that he had discovered that O'Fallon was "a man destitute of sincerity or good faith," whose plan was to use his military power to gain forcible possession of Walnut Hills at the mouth of the Yazoo, and that without openly breaking with O'Fallon he had begun to undermine him.[56]

Several months later Wilkinson gave Miró a full account of the means he had taken to ruin his associate.[57] He reported that O'Fallon's plan to seize Walnut Hills was predicated upon the

[56] Wilkinson to Miró, Dec. 16, 1790, A.G.I., Pap. de Est., leg. 9.

[57] Wilkinson to Miró, March 17, 1791. This letter and its inclosures — O'Fallon to Wilkinson (without date), Moultrie to Wilkinson, Sept. 5, 1790, and Wilkinson to Moultrie, Nov. 4, 1790 — translated into Spanish, are found inclosed in a letter, Miró to Las Casas, May 8, 1791, *ibid.* The undated O'Fallon letter dealing briefly with a rumor of Spanish incitement of the Indians against the projected colony, was characterized by Wilkinson in his correspondence with Miró, as an "Extra-

belief that Miró would not venture to oppose him because — war with England being apparently imminent on account of the Nootka Sound affair — the Governor would be afraid of finding himself between two fires. Wilkinson made the most of the situation. He described to Miró how, enraged though he was at O'Fallon's breach of faith and honor, he had preserved his composure and hidden his wrath but was determined to destroy the Doctor's nefarious designs. He struck secretly at O'Fallon's base of supplies. The Agent had been drawing on the company to pay for materials in Kentucky. Wilkinson now sent a friend, Captain Manning, to South Carolina to insinuate to the company misuse of funds by O'Fallon and a general incompetence that was bringing the project into ruin. By this means Wilkinson caused one of O'Fallon's drafts on the company to be protested. Meantime he had turned his attention to O'Fallon's battalion and succeeded, so he said, in reducing it from 500 to 50 men. When he wrote to Miró in March, 1791, he recorded the opinion that "the grand project will die a natural death and pass away without convulsions." [58]

Turning to the other intriguer we find that as early as September, 1790, O'Fallon, who dearly loved a lengthy document, wrote a letter of about thirty pages to the President of the United States. Probably this was an attempt to placate Washington who, fearing the possible effect of the land operations upon Indian affairs, had issued a proclamation in August, 1790, requir-

ordinary note" and was made the explanation of his break with the Doctor. Since the only record we have of the letter of O'Fallon to Wilkinson and of Wilkinson to Moultrie of Nov. 4, 1790, is in the form of copies transmitted by Wilkinson, it is possible that these were either fabricated or distorted by him to serve his purposes in March, 1791. This theory has some support in the fact that he did not mention the O'Fallon note in his letter to Miró in December, and in the fact that the secretary of the S. C. Yazoo Company, in the *Minutes S. C. Yazoo Co.*, makes no reference to any letter from Wilkinson to the company severing his connection. The report of the secretary was finished and presented to the company on March 3, 1791.

[58] Wilkinson to Miró, March 17, 1791, A.G.I., Pap. de Est., leg. 9. Wilkinson's claim that he had reduced O'Fallon's battalion to 50 men is rather vitiated by a letter written by Wilkinson himself on Feb. 14, 1791, to Philip Nolan: "O'Fallon is here [in Frankfort] making wonderful exertions; has engaged General Clark to command his troops, and has made extensive contracts for provisions, negroes, horses, etc. The company offered me 20,000 acres as a compliment, but I finally rejected it." J. F. H. Claiborne, *Mississippi as a Province, Territory, and State* (Jackson, 1880), I, 157, n.

ing obedience to the Indian treaties and regulations.[59] O'Fallon's letter outlined, with discretion, the plans of his company and asked the consent of the government of the United States to their establishment, remarking, however, that they were able and determined in any case to carry out the project. Then (according to evidence presented by Wilkinson), he gave full sweep to his pen and communicated in detail the separatist tendencies of various westerners. Although he did not name Wilkinson, he so vividly described him that there was no mistaking his identity, told of his employment by Spain for the separation of Kentucky from the Union, and disclosed the contents of Wilkinson's correspondence with Spanish officials. He then suggested that he could secure important information if employed by Washington as a secret agent and spy. The paragraphs of the letter which contained the alleged betrayal of the Kentucky leaders are reported to us only in the documents forwarded to Miró by Wilkinson, and may have been an interpolation on the part of that resourceful plotter. But they were not out of key with the character of O'Fallon. The letter had apparently no immediate reaction, though it brought very definite results a few months later.[60]

Through the winter O'Fallon proceeded with his operations in Kentucky and continued his correspondence with the Spanish

[59] The text of this proclamation has not been found, so far as the writer can ascertain, but the contents are clearly stated by Washington himself, who referred to it in his later proclamation of March 19, 1791 (see text in *Ky. Gazette*, May 14, 1791), and by Secretary of War Knox in a report dated Jan. 22, 1791 (*Am. St. Paps., Ind. Affs.*, I, 112), and again in his instructions to General St. Clair, March 21, 1791, *ibid.*, 172.

[60] Unfortunately, the original of O'Fallon's letter is not available. Although Dr. J. F. Jameson kindly instituted a search in the collections of the Library of Congress as well as in the files of the Secretary of the Senate, the document could not be found. William Maclay, who heard it read in the Senate, Jan. 24, 1791, comments upon it in his *Journal* (New York, 1927). The Secretary of the S. C. Yazoo Company describes it briefly in the *Minutes S. C. Yazoo Co.*, I, 32-33, giving a despatch of O'Fallon's as the basis of his information and stating that the letter was written on the advice of General St. Clair. The most detailed account of the document is in a letter from John Brown to James Wilkinson, Feb. 10, 1791, a copy of which the latter sent on to Miró inclosed in his own letter of March 19, 1791, A.G.I., Pap. de Est., leg. 9. Neither Maclay nor the Secretary of the company mentions any revelations as to Kentucky separatists, and in the absence of the original document the question may well be raised as to whether Wilkinson in reporting Brown's letter to Miró did not add the item about these

Governor. There was a marked change, however, in his affairs. He made friends with George Rogers Clark, Wilkinson's military rival, and in November, 1790, secured Clark's assent to command the troops organized for the Yazoo venture.[61] This shift from Wilkinson to Clark is clearly reflected in his letters. Writing to Miró in December from the residence of General Clark, he re-affirmed his strong attachment to Spain and his idea of an independent Trans-Allegheny, but there was a new note of truculence in his lines and no longer any flattering words for Wilkinson. In fact the letter was evidently called forth by mistrust of Wilkinson and by rumors of Spanish hostility, and it therefore teemed with threats of military invasion and English or American coalition.

The prospect of war between Spain and England and the treaty of McGillivray with the United States were bogies which he now used to advantage. Miró must know, he remarked, that other European alliances could have been easily obtained if Spain had not been preferred. The United States as well knew the strategic advantages and dangers of the company's location; and President Washington, he said, had recently written to the company offering the support of the American forces, and money for the expenses of the battalion, and expressing the desire that the General Agent give him regular information as to the doings of the Spaniards and Indians. The company, however, was merely holding this offer as a last resort.

O'Fallon now came to the real point of his letter. He informed Miró that a declaration had been made before Colonel Marshall reporting the Spanish Governor as inciting the Indians against the colony. He also understood that the deposition charged Wilkinson and Sebastian with implication in the plot and named these two along with Innes and Brown as holding Spanish commissions. Such rumors and declarations, he said, might ruin

disclosures for the sake of putting himself in a strategic position with the Spanish officials.

Both Maclay and Brown refer to the O'Fallon letter as of the date September 30. In the *Am. St. Paps., Ind. Affs.*, I, 115, is a short letter from O'Fallon to Washington dated September 25, and written as O'Fallon said, "since the sealing up of the despatches herein enclosed to your Excellency." It would seem, therefore, that either the dates were confused, or O'Fallon wrote twice to Washington.

[61] John Williams to Gayoso de Lemos, Jan. 16, 1791, A. G. I., Pap. de Est., leg. 9.

"poor Wilkinson" since Marshall had sent the document on to Washington. As for the story of prearranged assault upon the colony, O'Fallon said he had not credited it or he would not now be writing and renewing his sentiments of friendship. He did believe and fear the activities of Secretaries Knox and Hamilton, who were negotiating with Great Britain and planning for posts in the Yazoo country. It was because of this danger to Spain and to his colony that he was making such great military preparations.

In case of danger General Clark would command his troops. Clark, he said, was a friend of Spain and his agent for Kentucky, as Sevier was for Franklin and James Robertson for Cumberland. O'Fallon claimed, as one of the proprietors of the company, Alexander McGillivray,[62] and if this Creek chieftain's hereditary foes, the Choctaw, made any hostile move, armed forces would be led through the Creek country to the colony by William Moultrie, ex-Governor of South Carolina, General Huger, General Marion, General McDowell, General McIntosh, Governor Telfair of Georgia, and others of the proprietors. O'Fallon observed, however, that the company expected Miró to prove his good will by influencing the Choctaw and Chickasaw to be favorable to the colony. Otherwise the sword must be unsheathed and the Yazoo Company would be found to have friends in both Indian nations. Did Miró wish to lose the friendship of a colony that could choose as its allies America, England, or the Indians?[63]

The menacing tone of the letter alarmed the Spanish government, but it did not bring the result which O'Fallon wished. The true explanation of the letter lay in the reference to Miró's instigation of the Indians. This was what O'Fallon deeply feared for it presented a fatal obstacle to his plans just when his project was reaching a climax. His last resort was always to threats, and by this means he now hoped to prevent Miró from making trouble for him with the Choctaw and Chickasaw. This accounts for the continuation of his correspondence with Miró long after

[62] As to the truth of the statement that McGillivray was a fellow proprietor, there is some doubt. The Secretary of the company states that he was. *Minutes S. C. Yazoo Co.*, I, 20. But see Whitaker, "Alexander McGillivray, 1789-1793," *North Carolina Historical Review*, V, 295-96.

[63] O'Fallon to Miró, Dec. 17, 1790, A.G.I., Pap. de Est., leg. 9.

he must have seen the futility of expecting a welcome for his colony from the Spanish government.

After a trip to Franklin and Cumberland to visit friends, O'Fallon wrote to Miró in January, 1791, telling of his enthusiasm over the thousands who were coming to join his colony from all the Atlantic states. But he now threw pretense aside, charged Miró directly with inciting the Indians, and urged him to recall his instructions to them. His letter was a mixture of boasting, pleading, and threatening. The company preferred Spain as an ally, but if Miró rejected such overtures they would join Great Britain with whom negotiations had been broached through Lord Dorchester. If the Indians molested the colony, O'Fallon would hold Miró as directly responsible and would attack the Spanish towns from St. Louis to New Orleans, and Mobile and Pensacola as well. If on the other hand, the Spanish governor was disposed to be friendly and would reconcile and calm the Indians instead of exciting them, he would give his word of honor that Miró would never have a better ally. The numbers and equipment of his forces were such that the Choctaw and Chickasaw would not even be "a light breakfast" for them; but he implored Miró to tranquilize them before his arrival, and ended by begging him "in the name of God" to send him an express immediately.[64] Another letter in February made much of an English alliance, of McGillivray's power with the Indians, and of his own thousands of soldiers, and plead with Miró to accept the colony as an ally, quiet the Indian tribes, and thus avoid war. He had now postponed his trip down the river till autumn.[65] Miró responded to the two letters in March. He denied the charge of inciting the Indians against the colony, held out hope of an alliance, and urged the General Agent to make his long deferred visit to New Orleans.[66]

It seems obvious that O'Fallon had, in spite of his protestations, abandoned his first hope of a friendly alliance with Spain, and was now intent on a forcible seizure on behalf of his company, if the Indian danger could be removed. The international situation presented England as a possible ally, and O'Fallon

[64] O'Fallon to Miró, Jan. 15, 1791, *ibid.*
[65] O'Fallon to Miró, Feb. 18, 1791, *ibid.*
[66] Miró to O'Fallon, March 26, 1791, *ibid.*

was perhaps optimistic enough to hope that if all else failed he might fall back on the support of the United States. At all events, threats of such alliances might scare the Spanish out of intrigues with the Indians.

An event occurring in February, 1791, probably had an influence in postponing O'Fallon's departure for the Yazoo country. In the latter part of the month he was married to Frances Clark, the younger sister of George Rogers Clark.[67] A pre-nuptial contract signed on February 21 binds O'Fallon in the sum of £5000 sterling to be paid to his wife on the occasion of his death.[68] These appear to have been the halcyon days of James O'Fallon. Although he had lost the support of Wilkinson, he was doubly bound now to the hero of the Revolution in the West. And the pre-nuptial contract deals fluently with the Doctor's mansion house and plantation, his slaves, his stock, and his furniture.

In the month before his marriage he wrote out a set of directions for the preservation of the health of his prospective father-in-law and mother-in-law, covering the questions of clothing, habits, and diet. He recommended that Mr. Clark procure "two pairs of Flannel drawers, and as many pair of Flannel shirts. The former ought to be of red, or scarlet colour, on account of the Dye extracted from the cutcheoneel animal, which is peculiarly salutary against all Pains in the Hips, and inferior joints. The latter may be white; as being the more absorbent, and the more productive of a gentle Perspiration." He prescribed "calomile" for the "colicky complaints of the nervous kind, to which you have been so addicted." To Mrs. Clark he gave somewhat similar advice, closing by saying "a cheerful Heart, Temper, and Disposition . . . is one of the best Preventatives against your, and, indeed, against every Disease."[69]

Kindly concern for his wife's future finances and for her parents' physical welfare paralleled his engrossing task of gathering men and supplies and concerting military plans with George Rogers Clark. Thus he spent the first two months of the year 1791. But before his honeymoon was over the collapse of

[67] O'Fallon to Jonathan Clark, May 30, 1791, Draper Mss., 2 L 28.

[68] This document is preserved in the manuscript collection of the Missouri Historical Society, St. Louis.

[69] *Ibid.*

his enterprise was well under way. In the Senate of the United States, on January 24, 1791, O'Fallon's letter of the preceding September was read — a "volume of a letter" one of the Senators, William Maclay, called it in his *Journal*.[70] President Washington had submitted the document to the Senate for consideration along with a report by the Secretary of War "relative to the frontiers."[71] John Brown, Congressman from the district of Kentucky, sent a description of it to his friend Wilkinson, and Wilkinson sent on to Miró a copy of Brown's letter.[72] If this copy is to be trusted, O'Fallon's epistle contained an exposure of Kentucky separatist leaders and of Wilkinson in particular. On the strength of this asserted attack, Wilkinson appealed to Miró for help. He reminded the Spanish Governor of O'Fallon's letter of the preceding July 16, with its extravagant praise for Spain and its contempt for the United States, and asked Miró to send him the original of the Doctor's letter that he might use it as undeniable evidence of O'Fallon's duplicity.[73]

Miró was unwilling to comply with this request until he had authority from his superiors.[74] But long before Wilkinson had time even to get a reply from the Governor, swift-moving events impelled him to take action. On the same day that Wilkinson wrote his letter to Miró — March 19 — the consideration by the United States government of the threatening affairs on the frontier reached a culmination. Washington issued a proclamation warning the West against O'Fallon,[75] and orders were sent to the Attorney of the District of Kentucky to proceed against the Doctor.[76] Wilkinson undoubtedly received immediate if not ad-

[70] Maclay, *op. cit.*, 367.

[71] *Journal of the Senate of the United States*, Jan. 24, 1791.

[72] John Brown to Wilkinson, Feb. 10, 1791. The only form in which the writer has found this letter is in a Spanish translation of a *copia literal* received from Wilkinson by Miró in a letter of March 19, 1791. The Spanish translation is one of the inclosures in Miró's letter to Las Casas, May 8, 1791. No. 25 *res.*, Pap. de Est., leg. 9. With respect to the authenticity of the letter, see note 60, *ante*.

[73] Wilkinson to Miró, March 19, 1791, A.G.I., Pap. de Est., leg. 9.

[74] Miró to Las Casas, May 8, 1791. No. 25 *res.*, *ibid.* Apparently Miró later decided to send the original to Wilkinson, for the English copy of O'Fallon's letter of July 16, 1790 (in the Bancroft Library), bears this annotation, "*Es copia de la original corregida que se remitio al Genl Wilkinson en carta de Dn Estevan Miró de 25 de Eno de 1792. Andres Armesto.*"

[75] This proclamation was printed in the *Ky. Gazette*, May 14, 1791.

[76] See letter of Thomas Jefferson, Secretary of State, to George Nicholas, At-

vance notice of this, and acted at once. He resorted to the well-worn device of the anonymous letter as a means of scaring and getting rid of O'Fallon. On the 30th of March he sent him the following note:

> Sir: The Heavens are unpropitious to you, & the affairs of man depend so much upon casualty, that Genius or Education availeth naught: — by a gentleman just arrived from Philadelphia by way of PittsBurgh, I am confidentially informed, the Sec^{ty}. of the Treasury has secretly assured Him that whilst the Congress was deliberateing on a Letter of yours to the President of the 30th Septr. a Letter of the 16th July, said to be written by you to the Gov^{nr}. of N Orleans, was, to the astonishment of all, introduced thro the same Channel to the same Body; and that in consequence thereof, the Congress had directed the President, to issue a special Warrant, under the great seal of the Union, for your apprehension, with orders that you should be carried forward to the seat of the Genl. Government as a conspirator & that Mr. John Brown, who may be momently expected to arrive here, was commissioned for the express purpose, of carrying this mandate into execution; My friendship for you induces me to give you this advice, that you may without a moments delay, secure a retreat to some place of safety, until the annimossity of the moment may subside, or blow over; excuse a fictitious hand & want of signature; times are ticklish, &, tho desirous to serve, to assist, & to save you, I cannot commit myself to hazard this goes by an Indirect, but I trust an expiditious conveyance — Adieu [77]

The statement that both letters were read is not supported by the record, and Wilkinson probably twisted the facts with the idea of making the situation seem more desperate to O'Fallon. We have, in a letter to Miró, Wilkinson's own account of the writing of the anonymous communication.

> . . . To hang up this son of Lucifer on the tenterhooks of apprehension & dismay, & if possible to force him into your government, I have written him an anonymous letter, in a disguised hand, of which the enclosed is a copy.[78]

torney of the District of Kentucky, March 22, 1791, directing him to "proceed against the said O'Fallon according to law," Paul Leicester Ford (ed.), *Writings of Thomas Jefferson* (New York, 1895), V, 305-306; also "Instructions to Major General Arthur St. Clair" by Henry Knox, March 21, 1791, *Am. St. Paps., Ind. Affs.*, I, 172.

[77] Draper Mss., 54 J 20.

[78] Wilkinson to Miró, March 31, 1791, A.G.I., Pap. de Cuba, leg. 2374. In reading

O'Fallon does not appear to have fled from Kentucky, nor was he arrested. It is not improbable that Wilkinson's desire to drive him out of the country was based upon a fear that if O'Fallon were arrested by United States officials his disclosures might be unfortunate for Wilkinson and his associates. The Attorney of the District of Kentucky, to whom was given the responsibility of proceeding against O'Fallon was George Nicholas, a friend of Wilkinson, and this may account for the failure of the hand of law to apprehend the Doctor.

Progress under O'Fallon's plans, however, ceased in the face of Washington's proclamation. It cut him off from the possibility of association with the United States government and greatly weakened him in Kentucky. Wilkinson's letters to Miró had prevented any accord with the Spanish government, and it is unlikely that he ever came to the point of making arrangements with English officials.

Even his immediate employers, the South Carolina Yazoo Company, were in poor position to back him. They were facing the hopeless task of raising the required amount of specie to pay the state of Georgia for their grant. In January, 1791, they decided "to make known to the public the transactions, views and situation of the company" and to adopt a new plan for the future. The secretary prepared a history of the company and a plan for reorganization, and his report was accepted on March 3, and printed under the title, *An Extract from the Minutes of the South-Carolina Yazoo Company.* In general it was favorable to O'Fallon, although it expressed alarm at the extent of his military operations. The document says nothing about a break between O'Fallon and Wilkinson, and naturally there is no indication of the idea of separatism. It seems evident that the publication was a carefully prepared attempt at defensive propaganda.

a paper on O'Fallon at the meeting of the Mississippi Valley Historical Association in 1928, I stated that, although I had no proof of it, I was convinced that the anonymous letter had been written by Wilkinson for the purpose of driving O'Fallon out of the country. Professor Arthur P. Whitaker, who heard the paper, remarked that he had seen a letter fom Wilkinson admitting the authorship of such a communication, and later he kindly sent me the quotation and citation used above. He added the statement: "A letter that is apparently the copy just mentioned is in *ibid.* It is endorsed at the end, 'Copy of an Anonymous Letter to Dr. O'Fallon: J. Wilkinson,' and is dated March 31, 1794 (i.e. 1791)."

Less than three weeks after the acceptance of the report, came President Washington's proclamation against O'Fallon. About the same time, Thomas Washington, one of the four founders of the company, was hanged for counterfeiting. In view of these facts, to say nothing of the alleged attempts of Wilkinson to discredit O'Fallon in Charleston, it was obvious that the company could not continue to support actively the work of its agent. It is worthy of note that the copy of the *Extract from the Minutes* in the possession of the Maryland Historical Society bears this manuscript inscription on the fly leaf: "To George Washington Esqr; President of the United States From His Most Ob^{t}. hum: Ser^{t}: Ax^{r}: Moultrie Presid^{t}: S^{o}: Car: Yaz: Com^{y}: July 13:th 1791." When one compares this with the letters of Moultrie and his associates in the winter of 1789-90 to Cape and Holder and Benjamin Farrar, with their strong implication of separatism, it is easy to see that the company leaders have taken to cover and their agent can expect no further support for his schemes.[79]

One more factor contributed to the collapse of the company's project. Gayoso de Lemos, the energetic Spanish governor at Natchez, had long been alarmed at the doings of O'Fallon, and after emphatically reporting the defenselessness of Spain on the east bank of the Mississippi, had forestalled the Yazoo Company by establishing a fortified Spanish post at Nogales or Walnut Hills, below the mouth of the Yazoo and at the point where O'Fallon planned to make his settlement. According to Gayoso the fortification had played no small part in ruining the hopes of the Doctor. He reported that after the proclamation of Washington, O'Fallon had been obliged to live in retirement for a time and then take to flight; and he added that since he was a turbulent busy-body, no doubt he was now concocting some new intrigue.[80]

In May, however, O'Fallon was at the Falls of the Ohio with the Clarks and wrote a long newsy letter to a brother of George

[79] For indication of Washington's attitude toward the Yazoo companies, see J. C. Fitzpatrick (ed.), *Diaries of George Washington* (Boston, 1925), IV, 157, 192, 196.

[80] Gayoso de Lemos to Floridablanca, Jan. 7, 1792, A.G.I., Pap. de Cuba, leg. 177 (Newberry Lib. trans.) Gayoso wrote two long letters on this date to Floridablanca. With respect to the fortifications at Walnut Hills, see, also, Haskins, "Yazoo Land Companies," Am. Hist. Assoc., *Papers*, V, Part 4, p. 73, n.

Rogers Clark in Virginia. But for the work of the Cabinet, he said, he would have been in the Yazoo country long ago. Now he must wait until fall. He gave the cheerful information that Clark had become temperate and implied that he himself had been influential in this regeneration. By the bearer he sent "a Letter . . . for M^r. Jefferson one for Genl. Moultrie, and one for M^r. William Shurtliff, the Treasurer of the Company" which he asked Clark to mail for him.[81]

The slow-moving Spanish Court had finally determined not to allow any American settlements between the Tennessee and the Mississippi. In October a belated order was issued by the Crown for the arrest of O'Fallon if he should appear at New Orleans.[82] But there was little likelihood of his putting his head into the noose. He had dropped his correspondence with Miró, but he maintained that his agency for the company was still in force. By this assumption he endeavored to keep possession of the goods salvaged from Holder and thus reimburse himself for losses in his unfruitful work as General Agent.[83] In reality the curtain had fallen on his project of a Yazoo colony, though hope still flickered in his breast and fear of an invasion still weighed upon the hearts of the Spaniards.

Carondelet succeeded Miró at the end of 1791 and took up the endless task of writing letters home, in which appear occasional references to the menace of Clark and O'Fallon. The latter had resumed the practice of medicine. In the fall of 1792 he was employed to care for the soldiers of the garrison at Fort Steuben,[84] and there remains a curious document which shows that he attempted to get together a group of citizens or families who would pay him by the year to keep them well.[85]

Medical practice, however, seemed rather prosaic to one who had given his life to land schemes and political adventure. Gayoso de Lemos was right. O'Fallon could not withdraw from the field of intrigue, nor cease to dream of large affairs on the international stage. He had once threatened Miró with a con-

[81] O'Fallon to Jonathan Clark, May 30, 1791, Draper Mss., 2 L 28.

[82] Floridablanca to Miró, October, 1791, A.G.I., Pap. de Cuba, leg. 177 (Newberry Lib. trans.)

[83] *Ky. Gazette*, April 7, 1792.

[84] Draper Mss., 4 CC 174.

[85] *Ibid.*, 168.

quest of the Mississippi Valley and the Gulf posts under English auspices. In the latter part of the year 1792, the European situation led him to revive the enterprise but this time with a different allegiance. War between France and Spain was imminent and an attack upon Louisiana could now be planned with French backing. Before the end of the year he had concerted this new scheme with George Rogers Clark and the latter had written to the French government proposing to recruit an army in the Trans-Allegheny which would operate under the French flag in a conquest of the Spanish posts of the Mississippi Valley. He offered his services as military commander. O'Fallon wrote at the same time to Thomas Paine, then a member of the French Convention, recommending Clark and urging his appointment.

These letters have not been found, but a letter of Paine to O'Fallon, dated February 17, 1793, tells the whole story. He acknowledged the receipt of O'Fallon's letter and stated that Clark's offer and propositions were under consideration, and his terms would, he thought, be complied with. "Mr. Jefferson's private sentiments," respecting Clark, "and the reliance I have in yr. narrative, which confirms the whole, will excite every exertion on my part, to have the expedition promoted as you wish." War between France and Spain seemed to him inevitable — in fact he expected a declaration in "a week or two." The expedition, if successful, would, he thought, "promote every end" of O'Fallon's agency, since the dislodging of the Spaniards from the region of the three Georgia grants would be regarded as conquest of Spanish territory, and in that case the grants, he made no doubt, would be confirmed to the company who, by themselves or their agents, had assisted in the expedition.[86] Pointed and precious words these must have been to O'Fallon.

Independent of the suggestion of Clark and O'Fallon, the French government had been planning the organization in the western towns of an attack upon Louisiana, and the proposition of Clark fitted admirably into their schemes. In February the two Kentuckians, although they had not yet heard from Paine, renewed their correspondence. On the 2nd of the month, Clark appears to have written to Genêt, outlining the plan of the ex-

[86] This letter from Paine to O'Fallon was published with an introduction by Dr. Louise P. Kellogg, in the *Am. Hist. Rev.*, XXIX, 501-505.

pedition and suggesting the need of about £3,000 sterling to enable him to execute the project.[87] Three days later another letter was written with Clark's name appended to it. A rough draft or copy of it in the Draper Collection is all we have, and this copy is in the handwriting of James O'Fallon.[88] To anyone who has read the verbose and pompous letters of O'Fallon there will come a strong impression that not only the handwriting but the content as well must be credited to the Doctor rather than to the General. The exaggerated diction, the excessive use of adjectives and superlatives, the long-drawn-out sentence structure, and a characteristic habit of interjecting parenthetical phrases and clauses, all are reminiscent of O'Fallon's style rather than that of Clark.[89]

O'Fallon apparently took this occasion to write again to Paine, for the last paragraph of the letter of February 5 contains the statement: "Please have the inclosed transmitted to Mr. Paine. It is from a friend of his."[90] Genêt, on July 12, answered Clark cordially and flatteringly. He accepted his propo-

[87] The contents of this letter are known to us through a document in the French archives headed *extrait de la lettre écritte par le Général Clarke au Citoyen Genêt. . . .* In reality it is an abstract of the letter made by Genêt rather than an extract. It is published by Professor Turner in his "Correspondence of Clark and Genêt," Am. Hist. Assoc., *Annual Report*, 1896, I, 971-72.

[88] This letter is printed *ibid.*, 967-71. See Professor Turner's note, *ibid.*, 967. The letter is from the Draper Mss. and is without address. It is perhaps the same one which John O'Fallon, in a letter to Lyman Draper in 1847, refers to as being from Clark to President Washington, dated in February, 1793, and in the handwriting of James O'Fallon. *Ibid.*, 34 J 12.

[89] This theory has some corroboration in a letter from O'Fallon to Captain Herron dated Oct. 18, 1793, and quoted in M. D. Conway, *The Life of Thomas Paine* (New York, 1892), II, 156, as follows: "This plan (an attack on Louisiana) was digested between Gen. Clarke and me last Christmas. I framed the whole of the correspondence in the General's name, and corroborated it by a private letter of my own to Mr. Thomas Paine, of the National Assembly, with whom during the late war I was very intimate." See note by Professor Turner in Am. Hist. Assoc., *Annual Report*, 1903, II, 199. Further support is given to the general theory of O'Fallon's function as a letter-writer for the General in a statement by Gayoso de Lemos, the Spanish Governor at Natchez: "As soon as Clark accepted the proposals the French commissioners made him, he asked O'Fallon to write a French letter for him to the Minister Genêt; he did so and was much applauded. . . . " Gayoso to Carondelet, Dec. 23, 1793, *ibid.*, 1896, I, 1031.

[90] Ternant, predecessor of Genêt as representative of France in the United States, wrote as follows in a letter of May 10, 1793, to the Minister of Foreign Affairs:

"*Je joins encore à la présente, une lettre que je viens de recevoir de Kentucky*

sitions and sent Citizen Michaux to Kentucky as agent for the French Republic, with a provisional commission for Clark as Commander-in-Chief of the Independent and Revolutionary Army of the Mississippi.[91]

Michaux delivered this letter and the commission in September and Clark set himself at once to the organization of his forces for the attack upon Louisiana.[92] But the invasion failed to materialize, as had the earlier projects of O'Fallon, partly through the action of President Washington and partly because of the inability of the backers to give adequate support.

Long before the dissolution of the scheme, O'Fallon had ceased to be a factor. During the year 1793 his relations with the Clark family were distinctly strained. Mrs. O'Fallon had suffered a nervous breakdown, due in part, apparently, to the determination of her husband to remove from the circle of her family and settle in Lexington.[93] Personal differences increased the estrangement and finally his wife left him, taking with her the two sons, John and Benjamin, both destined to become well-known figures in the history of the Mississippi Valley.

In 1793, O'Fallon was only forty-four years of age. His old friends had not forgotten him. In February Paine had urged him to use his literary talents in the cause of revolution: "if as yet in the habits of writing; this, My Dear Doctor, is yr. precious time. Never was there a cause so deserving of yr. pen. I have tried the force of mine, and with some success."[94] In September Anthony Wayne wrote offering him a position as senior surgeon with his expedition against the Indians.[95] But his course was almost run. His latest known letter was in

pour Thomas Payne de la convention — Cette lettre étoit accompagnée d'une proposition intéressante du Général Clark sur la Louisianne, que je mettrai sous les yeux de mon Successeur dés son arrivée ici." *Ibid.*, 1903, II, 199.

[91] *Ibid.*, 1896, I, 986.

[92] *Ibid.*, 1007-1009.

[93] John Clark to O'Fallon, May 28, 1792, Draper Mss., 4 CC 172; O'Fallon to John Clark, July 15, and 6, 1793, Draper Mss., 2 M 45, 46; O'Fallon to Mrs. O'Fallon Nov. 23, 1793, Draper Mss., 2 M 47. Mrs. O'Fallon lived for a time at least with her husband in Lexington since the younger son Benjamin was born there. J. T. Scharf, *History of St. Louis City and County* (Philadelphia, 1883), I, 344.

[94] Thomas Paine to O'Fallon, Feb. 17, 1793, *Am. Hist. Rev.*, XXIX, 505.

[95] Anthony Wayne to O'Fallon, Sept. 16, 1793, Am. Hist. Assoc., *Annual Report*, 1896, I, 1000-1001.

November, 1793.[96] It was indited in a last spell of hope to his estranged wife and was addressed: "My dear and lovely wife, at least, to me still lovely." His final plea is as unconvincing as his letters to Miró. He blames the parents and especially brother George who, he says, charged him with forging Anthony Wayne's letter, with attempting to poison his son Johnny and with having murdered his former wife.[97] And he recounts an incident in which the General tried to strike him but was sent sprawling to the floor by a blow from the Doctor's fist. This is probably the same altercation which is described — quite differently — in a letter of Gayoso de Lemos. "O'Fallon," he wrote to Carondelet, "has parted from his wife, who has withdrawn to the house of Clark, her brother, and he, in resentment of this offense has maltreated O'Fallon, even going so far as to break his stick over his head, inflicting injuries from which he had not yet recovered at Mitchel's departure." [98]

We do not know the exact date or manner of O'Fallon's death. Tradition has it that he was thrown from a horse while making a trip east and that he died from the injuries which he received.[99] The records of the courthouse in Louisiana, Kentucky, reveal nothing; but an old ledger discloses the fact that in March, 1794, William Croghan paid fees as administrator of the estate of James O'Fallon,[100] and another contemporary manuscript shows that on May 6, the goods of the departed Doctor were sold at public auction.[101] His effects seem pitifully few for one who boasted in 1788 that his professional income was far in excess of the 1,500 guineas per year which he asked from Spain.

O'Fallon's feverish and erratic life was over. He had spent his years fishing in troubled waters and to little avail. Yet he was not without ability. Even Wilkinson described him as a man

[96] O'Fallon to Mrs. O'Fallon, Nov. 23, 1793, Draper Mss., 2 M 47.

[97] This is the only reference the writer has found to any former marriage of O'Fallon.

[98] Gayoso to Carondelet, Dec. 23, 1793 (extract), Am. Hist. Assoc., *Annual Report*, 1896, I, 1031.

[99] For this information I am indebted to Mr. R. C. Ballard Thruston of the Filson Club. Mr. Thruston and Mr. Otto Rothert kindly examined the courthouse records in Louisville in an effort to find evidence of the death of O'Fallon.

[100] Ledger of William Croghan, p. 94, Durrett Collection.

[101] "Account of Sales of Sundry Articles belonging to the Estate of Doctor James O'Fallon." Ms. in Mo. Hist. Soc.

of erudition and much talent, though lacking in the judgment necessary for great enterprises.[102] Possessed of personality, and convincing in his first impressions, he was inherently wanting in character, and he fell short in the quality of leadership required. He could stir the interest of men like Wilkinson and Sevier and Clark, but he could not command the situation and maintain their allegiance. As an intriguer he had great handicaps. He was bold but not farsighted, ready with attack but utterly lacking in finesse, full of mendacity but surpassingly maladroit in his operations. And he played his game in the West against a man as unscrupulous as himself and far more astute and clever.

The ill-starred fortunes of O'Fallon were, nevertheless, of greater significance than their lack of success would indicate. His schemes were by no means mere local projects. In scope they embraced the whole of the valley and affected a variety of nations. Beyond question the situation in the West from 1790 to 1793 afforded an unusual opportunity for a master manipulator, and O'Fallon's backing was strong and his initial contacts with frontier leaders widespread and effective. His first plan — an independent enterprise with Spanish alliance — if it had been handled more wisely and had been supported by Wilkinson, might have succeeded, and perhaps might have led to a separation of the entire trans-Allegheny region. The second phase — the establishment of his colony by force of arms in spite of Spanish resistance — was so important as to alarm and bring action from the governments of two nations; while the scheme which O'Fallon and Clark fomented in 1792 for an attack upon Louisiana on behalf of France involved one more nation in the group which watched with intense interest the movements of those who lived upon the "western waters."

The wisdom of Washington, the wiles of Wilkinson, the menace of the Indians, were factors in his defeat. Perhaps more fundamentally his consistent failure may be attributed to his own blundering incapacity, and to the western individualism which through all these years wrecked the very schemes of separatism which it fostered. But the persistent audacity of

[102] Wilkinson to Miró, Feb. 14, 1791, A.G.I., Pap. de Est., leg. 9.

O'Fallon and the recklessness with which he played his swashbuckling rôle in the West made his intrigues a continuing threat to both Spain and the United States, and presented possible opportunities for both England and France. His machinations form, therefore, not only an important chapter in the history of separatism, but also an essential as well as a colorful part of the larger story of the international struggle for the Mississippi Valley.

JOHN FISKE

By J. B. Sanders

John Fiske, philosopher, musician, and popularizer of American history, was born in Hartford, Connecticut, March 30, 1842.[1] Though descended from a family of Pennsylvania Quakers, he was reared in a typical New England home, neither rich nor poor, where the doctrines of Calvin and Jonathan Edwards were still taught and emphasized.[2] He received his early education at private schools where chapel exercises and prayers were a part of the daily routine,[3] and as a mere lad joined the Congregational Church in Middletown, Connecticut. Much of his youth was spent in this town, where his musical proclivities found him a place in the choir of the North Church.[4]

All that we know about his early life indicates that Fiske was a very precocious youth. At the age of seven, he was reading Caesar, and had read Rollin, and Goldsmith's *Greece*. Before he was eight, he had read the whole of Shakespeare, and a good part of Milton, Bunyan, and Pope. At nine, he began the study of Greek; and by eleven had read Gibbon, Robertson, Prescott, and most of Froissart. At eleven, he wrote from memory a chronological table from 1000 B.C., to 1820, filling a quarto blankbook of sixty pages; and at thirteen, he had read the whole of Virgil, Horace, Tacitus, Sallust, and Suetonius, and much of Livy, Cicero, Ovid, Catallus, and Juvenal. In addition, he had gone through Euclid, plane and spherical trigonometry, surveying, and navigation, and analytic geometry, as well as into differential calculus. Three years later, he could read Plato and Herodotus at sight, and had begun German. When he was sixteen, he kept his diary in Spanish, and was reading French, Italian, and Portuguese.[5] These three languages as well as Ger-

[1] T. S. Perry, *John Fiske* (Boston, 1906), 4.

[2] J. S. Clark, *The Life and Letters of John Fiske* (Boston, 1917), I, 21-22.

[3] *Ibid.*, 37, 65-66.

[4] *Ibid.*, 79-80.

[5] For an account of these youthful accomplishments, see "A Well-Equipped Historian," *The Critic*, XXVI, 310.

man, he learned without the aid of a teacher. The next year, he began the study of Hebrew, and a year later, Sanskrit.[6]

Such was the equipment of the stripling who, at seventeen and eighteen, began to entertain some doubts as to the soundness of the orthodox Christianity in which he had been reared. His reason caused him to break with the Congregational dogma, and in an age when the foundations of Christian faith were being tested, he refused to accept the Bible as the divinely inspired source of authority. Relatives and friends, as well as the pastor of the Middletown North Church, labored to win him from his "backsliding," but all to no avail. His minister who, it seems, was unable to meet Fiske's arguments, gave him up for lost and proceeded to damn him publicly. Religiously and socially, the young intellectual was ostracized.[7]

In 1860, Fiske entered Harvard and was graduated three years later.[8] Along with other studies, he continued his linguistic pursuits, adding Icelandic, Gothic, Danish, Swedish, Dutch, Roumanian, and was able to make a beginning in Russian.[9] After his graduation, he entered the Law School, receiving the LL.B. degree in 1865.[10] During his collegiate years, Fiske had begun to read and study philosophy and comparative philology, and had gained some knowledge of science from textbooks.[11] At the age of nineteen, he had written essays on Darwinism and other subjects, a beginning that was to culminate in the important work, *Outlines of Cosmic Philosophy*, which appeared in 1874.[12]

According to Clark, the department of history at Harvard during these years was not a strong one. Professor Henry W. Torrey and one assistant were in charge of instruction, and this was limited to freshmen and seniors. Professor Torrey was unprepared for his work and seems to have dropped into history "in a friendly sort of way." "Better historic instruction," says Clark, "is now given in the public high schools."[13]

[6] Perry, *op. cit.*, 8-9.
[7] Clark, *op. cit.*, I, 88-102, 115-17, 119-28.
[8] Perry, *op. cit.*, 19.
[9] *Ibid.*, 8-9.
[10] *Ibid.*, 19.
[11] *Ibid.*, 9-13.
[12] *Ibid.*, 24.
[13] Clark, *op. cit.*, I, 154-55.

By the time Fiske reached the junior year, he had already gained a reputation as a Darwinian, and as a disciple of Ralph Waldo Emerson and Theodore Parker. The Harvard faculty began to keep a watchful eye on the young man, and when he was observed reading Comte during divine service, a thing Harvard students had done for years, he was brought before the faculty and severely admonished. He was accused of insulting the Christian faith, and so bitter were the President and some of the professors toward him that only an apology by Fiske and a strong defense by liberal friends on the faculty, kept him from being dismissed from the College.[14]

His formal training completed, Fiske dabbled in the legal profession and evolutionary philosophy for a few years, and then was given a temporary appointment as an instructor in history at his Alma Mater, though he had made no special preparation for such work. His tenure was short. Harvard was still too orthodox to tolerate a man who played with Darwinism, and the Board of Overseers dismissed him, charging that he was an atheist, a positivist, and a materialist.[15] Now past thirty, he had not found himself, due in part to the fact that the academic world had shown itself inhospitable. One biographer says of him: "He wrote on various subjects as circumstances suggested, and found himself gradually drifting towards History."[16] Recognition in the historical field first came to him, however, as a lecturer not as a writer. Employed by a wealthy lady of Boston to deliver a series of lectures on American history at the Old South Church, he met with such success that there soon was much enthusiastic comment about John Fiske, the historian.

After his second appearance at the Old South, Fiske wrote to his mother: "I had a sort of sense that I was fascinating the people and it was delicious beyond expression."[17] With the stamp of Boston's approval upon him, the young lecturer was now on the road to success. Arrangements were made for him to deliver the lectures at University College, London, in 1879,[18]

[14] *Ibid.*, 231-35.

[15] Perry, *op. cit.*, 26. From 1872-79, Fiske was assistant librarian at Harvard, and in this position had an opportunity to read widely in history. *Ibid.*, 28.

[16] *Ibid.*, 37.

[17] Clark, *op. cit.*, II, 109.

[18] Perry, *op. cit.*, 39.

and there they seem to have met with a reception which far exceeded the speaker's fondest expectations. One biographer who has nothing but praise for his subject, has written:

> Fiske's inspiring optimism delighted readers, and filled them with his own confidence. All the past was but the introduction to a far more glorious future. The last of the lectures in American Political Ideas, for instance, reads and sounded like a speech at some great dinner: one expects a brass band to burst in with some patriotic song and a general tumult of cheers. . . . He never doubted for a moment that everything would turn out for the best.[19]

Evidently he was "fascinating the people," but one may well ask if in so doing, he was playing the true rôle of the historian.

In 1881, he delivered a series of lectures at Washington University, St. Louis, and three years later was appointed a non-resident professor of history at that institution.[20] During the five years, 1888-93, he delivered five hundred and twenty-seven lectures on historical subjects, fourteen on philosophy, and six on music.[21] In the meantime, some of his published historical works had appeared, and it now remains to consider them and estimates put upon his writing by historians.

Though not the earliest of his historical works, *The Discovery of America* may appropriately be considered first, for viewed from the standpoint of scholarship, it is regarded by some critics as the best of all his writings.[22] The author shows a familiarity with important source material bearing upon his subject; and in the matter of documentation, this work, alone among his numerous volumes, approaches what historians today regard as a finished product. However, he lays himself open to criticism by his too-great attention to unimportant and inconsequential details, and in his failure adequately to present the discovery of America as one phase of the expansion of Europe. He gives seven pages to a consideration and evaluation of evidence as to the time and place of Columbus' birth, finally coming to the conclusion that he was probably born in Genoa in 1446.[23] But in-

[19] *Ibid.*, 39-42.

[20] *Ibid.*, 47.

[21] *Ibid.*, 47-48.

[22] James Schouler, "Tribute to John Fiske," Massachusetts Historical Society, *Proceedings* (2nd Ser.), XV, 193-98.

[23] *The Discovery of America* . . . (New York, 1892), I, 342-49.

stead of stating this simple conclusion in a sentence and relegating his controversial material to footnotes, Fiske thinks it all belongs in the narrative. Again, he devotes ten pages to an attempt to prove that Columbus knew nothing about the voyages to Vinland.[24]

The element of probability does not sufficiently enter into his work; his statements are often absolute, and he seems to have but few doubts. A thing is either true or it is not, and the author's judgment often seems to be the last word in the matter. Witness this statement with regard to one of his much-used sources: "The veracity and fairness of the history of Las Casas are beyond question. . . ." [25] To his way of thinking, Columbus had no faults. An effort is made to show that the explorer's government in Hispaniola was not tyrannical,[26] though a later historian asserts that the harsh measures employed there reduced the native population by two-thirds in three years.[27] Vespucius is his special friend. He admits that our knowledge of him rests upon two letters written by the discoverer himself, yet accepts them both at par value.[28] Another historian with the same materials, concludes that Vespucius was a fraud and that the dates of the letters are not genuine.[29] The discovery of America is treated as a process — an evolution. Everything to Fiske is evolution, and this approach might be justified, were his selection of factors in the evolutionary process less defective and the proportions of the work more judicious.

In his *Old Virginia and Her Neighbors,* the author again has his friends whose veracity is unquestioned. The works of John Smith, so far as intentions are concerned, are the truth and nothing but the truth. Says Fiske: "Inaccuracies that are manifest errors of memory now and then occur, prejudices and errors of judgment here and there confront us, but the stamp of honesty I find on every page." [30] As Professor Albert Bushnell Hart has

[24] *Ibid.*, 384-94. Channing's view is quite at variance with that of Fiske on this point. See his *History of the United States* (New York, 1917), I, 6.

[25] *Discovery of America,* I, 481.

[26] *Ibid.*

[27] J. S. Bassett, *A Short History of the United States* (New York, 1920), 30.

[28] *Discovery of America,* II, 29-33. Also see Albert Bushnell Hart, "The Historical Service of John Fiske," *The International Monthly,* IV, 566-67.

[29] Bassett, *op. cit.*, 32.

[30] *Old Virginia and Her Neighbors* (Boston, 1897), I, 88.

said, Fiske thought Smith was so entertaining that he must be truthful.[31] Though Channing does not even think the Pocahontas story worth relating, Fiske accepts it as told by Smith, and in his *Colonization of the New World*, presents an artist's conception of the Indian Princess flinging her arms about Smith's neck just in time to save him from the upraised tomahawks of his would-be executioners.[32]

In *The Beginnings of New England*, the evolutionary method of approach is again employed. Fifty-eight pages of the total three hundred and forty-seven are given to a discussion of the Roman idea and the English idea, all this, as he says in the second chapter, "to set forth and illustrate some of the chief causes which have shifted the world's political centre of gravity from the Mediterranean and the Rhine to the Atlantic and the Mississippi; from the men who spoke Latin to the men who speak English." [33] His account of the coming of the Pilgrims might lead one to the conclusion that a body of Separatists went from Scrooby to Leyden, and after a sojourn there, came, with the exception of Miles Standish, to America on the *Mayflower*.[34] Such a view has been thoroughly exploded by Channing.[35] Furthermore, Fiske sees in the settlement of New England very little of the economic motive. "Of all the migrations of peoples," says he, "the settlement of New England is preëminently the one in which the almighty dollar played the smallest part; however important it may since have become as a motive power." [36] Quite at variance with this statement are the conclusions of two other close students of the period, one of whom maintains that one of the biggest inducements for the original settlement of New England was "the possibility of acquiring free land in fee simple." [37]

In his discussion of the religious controversies in New Eng-

[31] Hart, "Hist. Service of Fiske," *International Monthly*, IV, 566-67.

[32] (Philadelphia, 1905), 250. On this point, see L. G. Tyler, *England in America* (New York, 1904), 46-48, and Bassett, *op. cit.*, 52.

[33] (Boston, 1902), 59.

[34] *Ibid.*, 88-98.

[35] Channing, *op. cit.*, I, 304.

[36] *Beginnings of New England*, 94.

[37] J. T. Adams, *Revolutionary New England* . . . (Boston, 1923), 125; Tyler, *op. cit.*, 184.

land, the author tries to steer a middle course. Reluctant to commend RogerWilliams, and refusing to condemn the Puritans, he simply says: "In Massachusetts such views [as those of Williams] were naturally enough regarded as anarchical."[38] The same expression is employed to evade a position on the Antinomian controversy. Mrs. Hutchinson's influence became such that "it was naturally thought" to be high time to put her down.[39] The Quakers who were hanged on Boston Common in 1659, are looked upon by Fiske as martyrs, but at the same time he tries to show that Endicott did all he could to avoid having to hang them.[40]

Indulgence in speculation and prophecy is a prominent characteristic of his work. If the Stuarts had triumphed in England, the Puritan migration would have been much greater, and the American Revolution might have come a century earlier than it did. If Charles I had been victorious, his triumph would have been as important as Marathon or Tours. And then he speculates, if the Stuarts had triumphed, and if the Puritans had left England, would that country have declined, or like France after the loss of the Huguenots, prospered in spite of the emigration.[41]

Though the volume contains an eleven-page bibliography of important secondary and source materials for the period, there is but little acknowledgement in the footnotes of their use.

The two-volume work, *The Dutch and Quaker Colonies in America*, possesses many qualities common to other volumes. Here Fiske maintains that it was the general custom of the English in all the colonies to pay the Indians for the land taken from them. "Not a rood of ground was taken by the settlers of New England without paying for it, except in the single instance where the Pequots rashly began a war and were exterminated."[42] Not a word is said in defense of the Indians in this affair. Penn's colony, according to Fiske, was a "Holy Experi-

[38] *Beginnings of New England*, 140.

[39] *Ibid.*, 145.

[40] *Ibid.*, 238-42.

[41] *Ibid.*, 168-69.

[42] (Boston, 1899), I, 136. Tyler (*op. cit.*, 254) says that the "indiscretion" of Massachusetts brought on the war. Channing is in agreement with Fiske. *Op. cit.*, I, 402.

ment,"[43] no hint being given that a desire for profits may have had something to do with it. Slavery in New York, he says, was not bad;[44] the slaves were "generally not overworked or ill-treated," and if they did not like their masters, changes were easily made.[45] The work has no bibliographical notes and no systematic documentation. Many pages are to be taken by the reader on faith, and one observes among the altogether-too-few citations, references to other works of the author.

The one-volume study, *New France and New England*, with no bibliography and but little documentation, is, with the exception of two chapters, a poorly organized military history. One of the non-military subjects, however, "Witchcraft in Salem Village," is given approximately eighteen per cent of the entire book.[46] In his treatment of the Great Awakening, Fiske betrays, despite his free thinking, the orthodox character of his early education. The statement is made that Jonathan Edwards "was one of the wonders of the world, probably the greatest intelligence that the western hemisphere has yet seen." He believes that before the revival, the reaction against supernaturalism was leading towards materialism, and that the Great Awakening, "in spite of extravagances with which it was here and there attended, . . . certainly did much to heighten and deepen the religious life in New England."[47] Thus speaks the man who, years before, was dismissed from the Harvard faculty as a dangerous intellectual!

The American Revolution is largely a military history. According to Fiske's treatment, it was little more than a separa-

[43] *The Dutch and Quaker Colonies in America*, II, 99-167. Cf. Channing, *op. cit.*, II, 121.

[44] C. M. Andrews asserts that profits were "a subordinate motive." *Colonial Self Government . . .* (New York, 1904), 168.

[45] *Dutch and Quaker Colonies*, II, 287.

[46] (Boston, 1902), 133-96.

[47] *Ibid.*, 222, 232. J. T. Adams, on the other hand, says that Edwards "in part swung New England back to the horrors of its Calvinism and preached a gorilla God of such fiendish deviltry as surpassed the bloodiest heathen Moloch." He maintains that Edwards "blasted the morality of the universe and damned the character of God," and that "the picture which he drew of the Deity for his own and succeeding generations constitutes perhaps a greater sin against the supreme power of the universe than any venial ones of the body or social customs for which he condemned the young people of his congregation." *Op. cit.*, 170-73.

tion from Britain, the internal Revolution being either not adequately comprehended by the author, or purposely neglected. Where he touches upon the internal struggles at all, he inclines to sweeping statements, such as, for instance, that the Scotch-Irish small farmers of the Piedmont in South Carolina were Whigs to the last man, not a single Tory among them.[48] George III was "chiefly responsible for the quarrel";[49] and the blame for firing the first shot at Lexington is placed upon Pitcairn, without a suggestion as to its being otherwise.[50] Both volumes lack footnotes and bibliography. Even the work considered by some from the standpoint of interpretation as the best,[51] namely, *The Critical Period of American History, 1783-1789*, is devoid of documentation.

His *Civil Government in the United States* is now antiquated. The best parts of it appear to have been taken from monographic studies, especially those of the Johns Hopkins University. The author is devoted to the theory of evolution, and must trace the beginnings of all institutions; hence his going back to the *ecclesia* of the Greeks and the *comitia* of the Romans for the origins of the New England township.[52]

In the series, "A History of All Nations," Fiske wrote two volumes, *Colonization of the New World* and *Independence of the New World*; and with J. B. McMaster, wrote another volume, the *Development of the Modern World*. His *Independence of the New World* covers the period from about 1650, to the close of Monroe's administration. The eighteen-page discussion of the formation and adoption of the Constitution [53] might lead one to believe that there was no opposition to ratification in Maryland and South Carolina; [54] and what he says of the vote of Virginia on the Constitution is so similar to the statements of Professor

[48] (Boston, 1891), II, 165.

[49] *Ibid.*, I, 44. Channing looks upon George III as an instrument of providence who brought, through much suffering, benefit to the human family. *Op. cit.*, III, 30-31.

[50] *American Revolution*, I, 121-23.

[51] G. L. Bear, "John Fiske," *The Critic*, XXXIX, 118.

[52] (Boston, 1890), 34.

[53] (Philadelphia, 1905), 301-19.

[54] *Ibid.*, 316.

Orin G. Libby, in a special study, as to be almost identical.[55] The latter fact rather bears out the statement of Schouler that Fiske made good use of monographic materials.[56] Chapter iv of this volume is entitled, "The Middle of the Eighteenth Century," though the contents deal with matters ranging over a century and more. Here are discussed the state of society in New England, the Middle Colonies, and the South; population elements, immigration, churches and clergy, education, slavery, and other social, political, and economic subjects. Having thus grouped all these materials in a single chapter with an indefinite label it would appear that the author felt he had satisfied all the requirements of a well-rounded work.

Fiske's *Essays, Historical and Literary*, published in two volumes after his death, contains sketches and estimates of the lives of Thomas Hutchinson, Charles Lee, Alexander Hamilton, Thomas Jefferson, James Madison, Andrew Jackson, and Daniel Webster, and two essays, one on "Old and New Ways of Treating History," the other, "Connecticut's Influence on the Federal Constitution." There is frank admiration for Hutchinson, and the conclusion of his sketch of the old Governor's life reads like a sermonette: ". . . we cannot but feel that from the stormy career of this old Tory governor — maligned, misunderstood, and exiled, but never once robbed of self-respect — there is still a lesson to be learned."[57] But if Hutchinson is his friend, Charles Lee is his bitter enemy; the latter, thought Fiske, was too mean for the underworld itself.[58] When he comes to a discussion of Hamilton's life, he again breaks forth into prophecy and predicts what the young genius might have done, had the fatal duel with Burr never occurred.

> As the Republican party became more and more national, he would have found himself inclining toward it as John Adams did, and perhaps might even have come, like Adams in later years, to recognize the merits and virtues of the great man whose name had once seemed to

[55] *Ibid.* Cf. Libby, *The Geographical Distribution of the Vote of the Thirteen States on the Federal Constitution, 1787-88* (Madison, Wis., 1894), 34 ff.

[56] James Schouler, "Tribute to Fiske," Mass. Hist. Soc., *Proceedings* (2nd Ser.), XV, 197.

[57] (New York, 1902), I, 51.

[58] *Ibid.*, I, 97-98.

> him to typify anarchy and misrule — Thomas Jefferson. . . . When the new division of parties came after 1835, there can hardly be a doubt that he would have found his place by the side of Webster and John Quincy Adams.[59]

In the essay on Jefferson, the statement is made that his motives were "disinterested," [60] and though Jefferson was in France during the Virginia Convention of 1788, Fiske asserts that had he been at home his attitude would "unquestionably" have been like that of Samuel Adams.[61] As for Madison, the author is not satisfied with saying that in the Virginia Resolutions there was no mention of nullification, which would have been true, but hastens to say that there was no "intention" of nullification, which is quite another matter. He accepts Madison's letter of 1831 in explanation of the Resolutions, at full value,[62] and seems to forget that the Virginian was, among other things, a politician.

Fiske maintains, in the essay on Jackson, that the civil service before the General became President was conducted "with ability and purity." [63] He was surely unaware that the Federalists appointed their friends to office; that Charles Pinckney as Minister to Spain was charged with $12,000, still unaccounted for; [64] that Edmund Randolph as Secretary of State left his office with an unaccounted-for shortage of $14,000; [65] and that old men had been kept in office so long in Washington that residents spoke of the Treasury Department as the "octogenerian department." [66]

The essay on "Old and New Ways of Treating History" is difficult to comprehend when the wide variance is noted between what Fiske apparently knew about historical writing and the kind of history that he wrote. He begins, in his attempt to show the difference between the old and the new history, by indicating how estimates of Henry VIII have changed, and how the William Tell story has been exploded. "The old-fashioned historian,"

[59] *Ibid.*, 141-42.
[60] *Ibid.*, 161.
[61] *Ibid.*, 169.
[62] *Ibid.*, 211.
[63] *Ibid.*, 287.
[64] Channing, *op. cit.*, V, 392-93.
[65] *Ibid.* Channing seems to think these charges are exaggerated.
[66] Bassett, *op. cit.*, 393.

says he, "was usually satisfied with copying his predecessors, and thus an error once started became perpetuated; but in our time no history written in such a way would command the respect of scholars." The historian must ransack the records of the past with the zeal "of a detective officer seeking the hidden evidences of crime." [67] Curious as it may seem, Fiske has been charged with doing some of the very things of which he says the old-fashioned historians were guilty.

Like McMaster, Fiske once fell into the error of making a sweeping statement with regard to southern education during the colonial period — a statement which does not show the care "of a detective officer seeking the hidden evidences of crime." Speaking of North Carolina, he said that until "just before the War for Independence there was not a single school, good or bad, in the whole colony." [68] Charles Lee Smith, who has made a special study of education in North Carolina, maintains that the first school legislation in that colony was passed as early as 1749, and produces evidence showing that there were schools from 1704 to 1739.[69]

But so much for criticisms of individual works by Fiske. What, we may now ask, have been the general estimates put upon his writing by historians of note? One of the best of the few articles on the quality of his histories, is by George L. Beer. "It has always seemed to me," says Beer, "that if Fiske had not been forced to earn his livelihood by writing he never would have ventured into the field of history." [70] It was imperative that he find something more lucrative than philosophy. This critic feels that Fiske's failure to make wide use of the sources keeps him from ranking among America's great historians, and that his writing must be viewed as "a narrative of the most conspicuous events in the life of . . . a nation." [71]

Professor Hart, in an article, "The Historical Services of

[67] *Essays, Historical and Literary*, II, 6-7.

[68] Fiske, "Maryland and the Far South in the Colonial Period," *Harper's Magazine*, LXVI, 420.

[69] C. L. Smith, *The History of Education in North Carolina* (Washington, 1888), 16, 22.

[70] Beer, "John Fiske," *The Critic*, XXXIX, 118.

[71] *Ibid.*

John Fiske," attacks the tone of over-confidence so characteristic of his work.

> He is so swift and so sure of his own judgment that one is tempted to forget how many are the unhewn forests of tangled questions in which nobody has arrived at certainty. Did Cabot discover Virginia? Were the Acts of Trade advantageous to the colonies? Did the men of 1774 feel a burning sense of injustice from England? Were the Americans consciously a nation under the Confederation? Who knows? Certainly not Mr. Fiske.[72]

He concludes that Fiske's great work was as an interpreter of the "dull and confused," and as one who brought home to the "average man wholesome truths about our ancestors."[73]

A much more favorable attitude is taken by James Schouler, who regards Fiske "as the chief of our native historians, living or dead."[74] The worst of his writing is looked upon as good, and the best as excellent, for to Schouler the prime characteristic of a great historian is the ability to "make a dry subject interesting," "and enlist a hundred readers where ten had read before." The opposite type of writer, that is, one who is not a great historian, is "the mere plodder for facts, the chronicler, or the co-operative worker in some scheme of historical presentation who sees of his epoch but a single phase." The "true historian," he adds, should be somewhat of "a literary artist" and should be able "to select, arrange, and compose, so as to please and edify," and "get at the why of things."[75]

Lyman Abbott, clergyman and editor, takes much the same view as Schouler, maintaining that four elements combine to make a great historian: painstaking research for the truth; dramatic interpretation of character; clear conception of the laws of human progress and the issues of human life; and vividness of style in so portraying events that both their human and divine significance are apparent.[76] He holds that Fiske possessed all four, though it is difficult to see how the claim can seriously

[72] Hart, "Hist. Service of Fiske," *International Monthly*, IV, 566-68.

[73] *Ibid.*, 569.

[74] Schouler, "Tribute to Fiske," Mass. Hist. Soc., *Proceedings* (2nd Ser.), XV, 194.

[75] *Ibid.*

[76] Lyman Abbott, "John Fiske's Histories," *The Outlook*, LXIX, 711.

be made that "painstaking research for the truth" was a characteristic of his historical labors.

Anyone who studies the life and works of this popularizer of American history must be continually asking himself, "Was Fiske, after all, a historian? Did the study and writing of history occupy a dominant position in his thinking and in his life? Did he 'have an axe to grind?' " In view of the fact that he was so absorbed in evolutionary philosophy, some have suspected that he wrote history to bolster up the theory of evolution. Fiske himself, however, is reported to have said that he studied evolutionary philosophy in order that he might better understand history.[77]

Without attempting to answer these questions, the following statements may be set forth as embodying the conclusions arrived at in this paper: (1) Fiske's work lacks authoritativeness because it is not based upon the sources. (2) He is guilty of borrowing and summarizing the products of the research labors of others, without giving due acknowledgement. (3) He gives too much attention to the spectacular, the controversial, and the inconsequential. (4) He is too sure of his own judgment, if he is not altogether dogmatic; there is not enough of the element of probability in his writing. (5) His work is of such a nature that it might lead one to suspect that the early delight of "fascinating the people," continued to influence his manner of writing and speaking. (6) He attempts to determine motives and intentions of historical characters, often basing his conclusions upon mere speculation and conjecture. (7) It must be said that it is easier to criticize historical works than it is to produce them, and that whatever faults Fiske possesses as a scholar, he must be given credit for telling his story well, for clarity of expression, and facility of style, qualities somewhat on the wane among modern historians.

[77] S. S. Green, "Reminisences of John Fiske." American Antiquarian Society, *Proceedings* (New Ser.), XIV, 423.

DOCUMENTS

The Smallpox Epidemic on the Upper Missouri

Edited by M. M. Quaife

The document here printed requires no extensive introduction. The smallpox epidemic which afflicted the tribes of the upper Missouri region has been mentioned by many journalists and writers. In particular, John James Audubon has recorded in his journal a vivid secondhand account of the scourge.[1] Audubon's informant was none other than Francis Chardon, our present journalist, and his daily record, here first printed, may profitably be compared with the story as Audubon recorded it.

For several reasons the journal seems worthy of publication. It is a first-hand narration of an event of first importance to the tribes of the upper Missouri — in particular to the Mandan and the Arikara. It affords a picture, such as one does not often encounter, of the daily life of an Indian trader, and of the nature of his contacts with his red customers. It likewise affords a first-hand picture of the consequences to a primitive people of an attack of epidemic disease. The Mandan tribe, like the army of Sennacherib, was practically blotted out, and the sufferers on the upper Missouri knew as little of the nature of their affliction as did the ancient Assyrians.

Francis Chardon, the keeper of the journal, was a well-known trader on the upper Missouri for twenty years preceding his death in 1848. He is stated to have spent many years among the Osage before his advent on the upper Missouri, but of this earlier period in his career the editor possesses no information. In 1827 the Columbia Fur Company and the American Fur Company were consolidated, and Chardon may have entered the employ of the latter company at this time. The following

[1] A convenient account of the epidemic of 1837 is given by Hiram M. Chittenden, *The American Fur Trade of the Far West* (New York, 1902), II, 619 ff. For Audubon's report of Chardon's recital, see Maria R. Audubon, *Audubon and His Journals* (New York, 1897), II, 42-47.

year Fort Union was built at the mouth of the Yellowstone to serve as the center of the upper Missouri trade, and in 1830 Fort Clark was established to serve, particularly, the Mandan trade. Fort Clark was located some fifty-five miles above present-day Bismarck, on the opposite side of the river from Lewis and Clark's Fort Mandan of the winter of 1804. In July, 1833, the traveler Maximilian describes Chardon as a clerk at Fort Union. In the Manuscripts Division of the Library of Congress is preserved Chardon's journal, kept at Fort Clark for a period of several years, beginning in 1834. Chardon was subsequently stationed for some time at Fort McKenzie, which had been built in 1832 about six miles above the mouth of Maria's River, in Montana. Here, in 1844, Chardon and an associate, Alexander Harvey, undertook to retaliate for some misconduct on the part to abandon the fort and withdraw to Fort Chardon, newly conafter they had been lured to the gate of the fort. A number were slain, and the consequent hostility engendered caused the traders to abandon the fort and withdraw to Fort Chardon, newly constructed near the mouth of Judith's River. Chardon was subsequently stationed at Fort Berthold, where he died in 1848.

JUNE 30 DAYS [1837]

Sunday 25, Wind from the south west, smokey weather, sent Charboneau [2] to the Little Mandan Village to distribute a few twists of tobaco to the heads of Departments —

Monday 26, Sent Charboneau up to the GrosVentres to Collect some News — a small War party of Rees left here to day to steal horses at the Pawnee Village —

Tuesday 27, An other War party of Mandans and Rees started to day, on the North side in serch of the Yancton camp, May they never return is the only wish I can bestow on them —

Wednesday 28, Cold for the season — the S. B.[3] arrived from above

[2] This was Toussaint Charbonneau, who is best known to fame as the husband of Sacajawea and the interpreter of Lewis and Clark. For accounts of his career see R. G. Thwaites (ed.), *Early Western Travels, 1748-1846* (Cleveland, 1904-1907), VI, 32-33, and Doane Robinson, "Sac-a-jawe *vs.* Sa-kakawea," *South Dakota Historical Collections*, XII, 71 ff. The latest mention of Charbonneau hitherto found is a letter of Joshua Pilcher in 1839, cited by Robinson (*ibid.*, 75) which describes him as then at St. Louis "tottering under the weight of eighty winters." The entries in Chardon's journal would seem to indicate that in 1837 he was a younger and more vigorous man than this.

[3] The first steamboat designed for the trade of the upper Missouri was the

at 6 A.M— and Started at 7. A.M.— The agent distributed out a few presents to the Rees, and gave them a few words of good talk, and departed — Charboneau arrived from the Grosventres No News in that quarter — Shower of rain and hail with heavy Thunder & Lightning — The War party that left here the 31st of last Month all came back to day, Without Makeing a canp [camp]

Thursday 29, Newman and Benture started up to Fort Union to Proceed from thence to the Cajaille to trap Beaver down as far as Fort Clark — sprinkled With rain during the day —

Friday 30, sent the Men in the Woods to chop fire Wood — cold rainy weather, Traded a quantity of Meat and cords from the Indians, Explanation with one of the chiefs of the Little Mandan Village, a threat that he Made in Council, all of which he denied — Traded since the departure of the S. B. 40 Robes, 12 Beavers

Killed this Month 31 Rats — total 1717 —

1837 — JULY 1st 31 DAYS

Saturday 1st Rode up to the GrosVentres in Company with Garreau,[4] Mitchel,[5] & Charboneau. Counciled with them about 6 Horses they have, belonging to the Compy — that they stole at the Little Missr — they Refused to give them up — heavy rain, With thunder, Lightning, & Haile,

Sunday 2nd Thick foggy Morning — all the Wives of the Village out after Pomme Blanche[6] The Rees gave us a dance — Storm of Wind from the North West, with rain —

Monday 3, Arrainged the Merchandise in the Ware house —

Yellowstone, which left St. Louis for its first up-river voyage, April 16, 1831. Thereafter for a generation an annual voyage was made to Fort Union at the mouth of the Yellowstone, and the arrival of the vessel was an event of much interest to all in the upper country. See Chittenden, *op. cit.*, I, 338 ff.

[4] Pierre Garreau was an interpreter for the Arikara whom Lewis and Clark encountered in 1804-1805. The same man, apparently, was encountered by Maximilian in 1833-34, who on one occasion characterizes him as "Old Garreau." Whether this man, or his son was the associate of Chardon, we are unable to determine.

[5] David D. Mitchell, born in Virginia in 1806, entered upon the fur trade and rose to the rank of partner in the American Fur Company. In 1832 he built the first fort for that company among the Blackfeet, and for a time he was in charge of Fort Clark. In 1841 he became superintendent of Indian Affairs for the Western Department, with headquarters in St. Louis, and this office he held until 1852. He volunteered for the Mexican War and was chosen lieutenant colonel of Colonel Sterling Price's regiment. He died in St. Louis in 1861. See Thwaites, *op. cit.*, XXII, 314.

[6] *Psoralea Esculenta*, more familiarly called the swan apple or white apple. Bradbury, who visited the upper Missouri in 1811, gives a description of the root, which he considered as better than the parsnip. See *ibid.*, V, 154-55.

Traded seventy Robes and twenty Beaver skins, since the departure of the Steam Boat —

Tuesday 4, Drank a glass of good old Monongahela to the health of the Old General. (Jackson) The 62nd of American Independence — Rain, Charboneau gave us a dinner, as a celebration of the 4th of July —

Wednesday 5, A War party of Rees left here last Night to War against the Sioux — The war party that left here the 27th of last Month all came back last Night, they discovered a Sioux at Apple River, they pursued him several Miles Without overtaken him, and then returned back — The Rees gave us a dance.

Thursday 6, Sprinkled With rain in the Morning — The Bull band from the GrosVentres gave us a splendid dance, The water has fell two feet since yesterday —

Friday 7, An other small War party of Rees all Mounted on Horse back started today for the Sioux Camp — Allert At the Village — Council With the Rees and Mandans, respecting the removal of the Fort, came to a Conclusion to build it, at the Point of Woods below — The Dummy Arrived With fresh Meat —

Saturday 8 Rain, Indians Preparing for a dried Meat excursion, Traded Thirty Robes The rain Continued all day —

Sunday 9, Appearance of fine weather, the Rees and Mandans all started Out to Make dried Meats — and Indian that Arrived yesterday report Cattle in abundance 40 Miles off,

Monday 10, Sent Charboneau up to the GrosVentres to Collect News, heavy rain in the Morning — clear and pleasant in the afternoon, Charboneau arrived in the evening — No News in that quarter, Indians all out Makeing dried Meat —

Tuesday 11 Thick foggy Morning — More rain — No News from Any quarter — My hunters Not yet Arrived — The Mandans of the Little Village all started to day — on a dried meat excursion —

Wednesday 12, Heavy rain all last Night, Dull lonesome day — All the Indians of the Village Men, Womens — And Children, (a few old ones excepted) are all out Makeing dried Meats — Nothing stirring, No News, and Worst of all, Nothing to eat but a little poor dried Meat that I got from the Steam Boat, on her way from this place to St Louis —

Thursday 13, Fine day — sent Garreau Out on discovery — Strong south West Wind at 10 A.M. Which continued all day — Garreau returned in the afternoon Without seeing Any thing — My hunters arrived With the Meat of three Bulls —

Friday 14, One of the Warmest days that we have had this sum-

mer — Weather smokey — A Young Mandan died to day of the Small Pox — several others has caught it, the Indians all being out Makeing dried Meat, has saved several of them —

Saturday 15, Sent Mantá Out to hunt a good place to Make hay — he returned some time after, Much frightened, haveing as he thought, saw enemies, Which Proved to be, two small Mounds of dirt, Made by the Indians

Sunday 16 Charboneau gave us a Jackson dinner, of Pot Pye, and Pudding — this day has been one of the Warmest that we have had this summer — Two of the War Party that left here the 5th inst came back to day — left the others at the Old Ree Village — report Cattle in Abundance at Heart river

Monday 17 Heavy rain and thunder last Night. Covered the houses With dirt — Strong South west wind in the afternoon — Commenced Makeing hay — An other Case of the small pox broke Out to day at the Village —

Tuesday 18 The smoke is so thick that we cannot see as far as the hills, fine times for the Horse Theives — strong wind from the south west all day —

Wednesday, 19 Started out at day light, on discovery — Arrived home late in the evening without seeing any thing. We are in a fair way of starveing, but few provissions on hand, and thirty Mouths to feed —

Thursday, 20 Sent Mitchel — With two Men With a cart and three Mules — to the Ree camp to trade Meat — The War party that left here the 5th inst. all came back to day — Without seeing enemies — Strong southwest wind — Mr. May and Yogo Arrived from the Little Missr — With two Mules And One horse No News in that quarter, except the Smallpox

Friday, 21 Heavy shower of rain, and thunder, hauled four loads of hay from the little River — the Horse guard came back in the afternoon much frightened, haveing discovered the tracks of a War party of Sioux — in the Corn fields —

Saturday, 22 All hands Out after berries. The few Old Men And Women that remain at the Village are starving — They have sent Out to the dried Meat camp to tell them to Come in, gave them four pieces of Meat to Make a feast for their children Hd two loads Hay —

Sunday 23, Finished hauling hay from the Little river, 10 Loads— Several Indian Went Out on discovery. They all Came back without seeing any thing — Traded several Robes to day, for Meat —

Monday 24, Two Young Men Arrived late last Night from the

dried Meat Camp, he says that they have a great quantity of Meat, and that they will be in to day — set the Men to Cut hay at the *Fontaine*

Tuesday 25, Several young Men Arrived from the dried Meat Camp, bringing With them each, one piece of Meat for those that remained at the Village, they will all be in to Morrow — they say that the small pox has broke out at the Camp —

Wednesday 26, The Rees And Mandans all arrived to Day Well loaded With Meat, Mitchel also arrived with 15 pieces, The 4 Bears (Mandan) has caught the small pox, and got crazy and has disappeared from camp — he arrived here in the afternoon — The Indians of the Little Village all arrived in the evening Well loaded — With dried Meat — the small Pox has broke Out among them, several has died,

Thursday 27, Indians all Out after berries, No News from Any quarter, the small pox is Killing them of at the Village, four died to day —

Friday 28, Rain in the Morning — This day was very Near being my last — a young Mandan came to the Fort with his gun cocked, And secreted under his robe, With the intention of Killing Me, after hunting Me in 3 or 4 of the houses he at last found Me, the door being shut, he waited some time for Me to come Out, just as I Was in the Act of going Out, Mitchel caught him, and gave him in the hands of two Indians Who Conducted him to the Village, had Not Mitchel perceived him the instant he did, I would Not be at the trouble of Makeing this statement — I am upon my guard, the Rees are Out rageous against the Mandans, they say that the first Mandan that Kills a White, they Will exterminate the whole race, I have got 100 Guns ready And 1000 Powder, ready to hand Out to them when the fun Commences — The War Party of Rees that left here the 7th inst came back to day — With five horses, that they stole from the Sioux — a lodge that was encamped at the Little Miss^{r} they attacked it in the Night, after fireing several shots they departed takeing with them all the Horses they think to have Killed 3 or 4 in the lodge — The Mandans & Rees gave us two splendid dances, they say they dance, on account of their Not haveing a long time to live, as they expect to all die of the Small Pox — and as long as they Are alive, They Will take it Out in danceing.

Saturday 29, Several More Mandans died last night. Two Gros-Ventres arrived from their dried Meat camp, it appears that it has Not broke Out Among them as yet —

Sunday 30, An other report from the GrosVentres to day say, they are Arrived at their Village, and that 10 or 15 of them have died, two big fish Among them, they threaten Death And Distruction to us

all at this Place, saying that I was the Cause of the small pox Makeing its appearance in this Country — One of Our best friends of the Village (The Four Bears) died today,[7] regretted by all Who Knew him,

Monday 31, Mandans are getting worse Nothing Will do them except revenge. Three of the War party that left here the 26th of last Month Arrived to day. With each of them One horse, that they stole from the Yanctons on White River,

Killed 61 Rats this Month — total 1778

AUGUST 31 DAYS — 1837

Tuesday 1st The three horses that the war party brought in yesterday they say that they belong to the Compy that they were stole on the Island below the Little Missr the Soldiers was takeing them from them, but I told them to Waite untill the Arrival of Lachapelle Who I expect to Arrive in 4 or 5 days —

The Mandans Are Makeing their Medicine for rain, As their Corn is all drying up — to day we had several light showers —

Wednesday 2nd Yesterday an Indian that was Out after berris discovered a band of Cows, all hands Out to run them, they all Arrived in the Afternoon Well laden With fresh meat haveing ran three Bands —

Thursday 3rd All quiet, No News from Any quarter the Gros-Ventres Not yet Arrived from their Dried Meat excursion —

Friday 4th Same As Yesterday — Nothing New, Only two deaths today — sprinkled with rain in the Morning —

Saturday 5th Portrá a half breed from the North started to day — alone, for Red River, Indians Out after berries, others Out After Meat — News from the GrosVentres, they say that they are encamped this side of Turtle Mountain, And that a great Many of them have died of the Small Pox — several chiefs Among them, they swear vengence Against all the Whites, As they say the small Pox Was brought here by the S. B.[8]

Sunday 6 One More Ree died last Night — To day we had a tremendous storm of rain, hale, And Wind, which Continued for ½ hour With great Violence, the Fort came very Near blowing down, 40 or 50 Loads of hay that I have Out is Much damaged

Monday 7 Six More died to day — several Rees left the Mandan

[7] Four Bears, or Mato-Topé, was a noted Mandan chieftain, concerning whom Maximilian supplies much information. See Thwaites, *op. cit.*, XXIII and XXIV, *passim.* His portrait is in *ibid.*, XXV, plate 47. For his death speech, as recorded by Chardon, see *post* 299.

[8] They were correct in this belief; the steamboat *St. Peters*, whose arrival at Fort Clark on June 28, on the return voyage from Fort Union, is noted by Chardon, introduced the epidemic to the natives. See Chittenden, *op. cit.*, II, 620-21.

Village and pitched their Lodges Out in the Prairies — rain all day — report from the GrosVentres say they will be at their Village tomorrow —

Tuesday 8 Four More died to day — the two thirds of the Village are sick, to day I gave six pounds of Epsom salts in doses to Men, Women, and children the small Pox has broke Out at the Little Mandan Village. three died yesterday, two chiefs —

Wednesday 9 Seven More died to day — the Men came back from the hay at full speed haveing saw enemies, all hands out for the fight, False alarm,

Thursday 10 All the Rees that were encamped in the Mandan lodges, except a few that are sick, Moved down to the Island hoping to get rid of the small Pox — the Mandans talk of Moveing to the other side of the river, 12 or 15 died to day —

Friday 11, Sent old Charboneau up to the GrosVentres with some tobacco; and a bag full of good talk, as yesterday they sent a very severe threat to Me, Mandans all crossed to the other Side of the river to encamp — leaveing all that were sick in the Village, I Keep No A/c of the dead, as they die so fast that it is impossible —

Saturday 12, Cool And pleasant Weather, one of My best friends of the Little Village died to day — (Le Fort) — News of a War party of GrosVentres And Rees (70) being used up by the Saons [Sioux], quicker Work than the small Pox.

Sunday 13, Several reports from the GrosVentres that they are bent on the distruction of us all, As yet I do Not place Much confidence in what report says, Charboneau Will bring us the strait News — The Mandan are dying 8 and 10 every day — an Old fellow who has lost the whole of his family to the Number of 14, harrangued to day, that it was time to begin to Kill the Whites, as it was them that brought the small Pox in the Country —

Monday 14, Chaboneau arrived late last night, all the reports from the GrosVentres, it appears to be Without foundation, as they say, they Never had Any thoughts of Killing the Whites, but that the Rees have Made several threats, Which of the two, to believe, I know Not, however I will still be on My guard, (The White Cows, a Mandan chief Came early this Morning and Appeared to be very Angry — telling Me that I had better clear Out, With all the Whites, that if We did Not, they Would exterminate us all, I told him that We Would Not leave the place, and that if they were disposed to Kill us to Come on quick, that We Were ready for them at all times, The Rees are Makeing Medicine for their sickness. Some of them have Made Dreams that they talked

to the Sun, others to the Moon, several articles has been sacrifised to them both — the Principal Chief of the Mandans died to day — The Wolf chief An other dog from the Little Village, came to the Fort Naked With his gun cocked, to Kill one of us, We stopped him —

Tuesday 15, Gardepie With An other half breed arrived last evening from the North bringing With them 200 Muskrats and 50# Beaver, Sold him two horses, they left here early this Morning, the small pox scared them off — J. B[t] Joncá a half breed Kanza, Who has been liveing With the GrosVentres several Years, came on horse back at full speed to inform us that the Mandans Were up to the GrosVentres With a pipe, to Make them smoke, to try to get them to help them to Murder us, the GrosVentres refused to smoke With them, saying that they were friendly to the Whites and that they would not take part With them, Joncá started back immediately, The War party of Rees And Mandans that left here the 26th of June, all came back to day, haveing Killed seven Sioux, Men, Women, and children, Two Lodges that were camped at the Mouth of White River, it appears that the small Pox has broke Out Amongst the Sioux, As Some of the Party, on their way back Was taken sick at Grande River, having Caught the disease from those that they butchered,

Wednesday 16, Cold for the season. fire, very Comfortable May started up to see his friends the GrosVentres Several Men, Women, and children that has been abandoned in the Village Are laying dead in the lodges, some Out side of the Village, others in the little river Not entered, which Creates a Very bad Smell all Around us — A Ree that has lost his wife and child threatened us to day — We are beset by enemies on all sides expecting to be shot every Minute

Thursday 17, The Powder house Caved in, the timber being all rotten, the Rees all started Out after Buffaloe, the Indians dying off every day — W[h]ere the disease will stop, I Know Not — We are badly Situated, As We Are threatened to be Murdered by the Indians every instant, however we are all determined, And Prepared for the Worst — A Young Ree for several days has been lurking around the Fort, Watching a good opportunity to Kill Me, but not finding a good chance, this Morning he Came, full intent, he sit himself down in front of the Fort gate, on the Press, and Waited a few Minutes for me to go Out, in the Mean time one of My Men a Dutchman, John Cliner — stepped out and sat himself down a long side of the Indian, after setting a few Minutes, he got up to Come in the Fort, he only Made five paces, When the Indian shot him in the back bone and Killed him instantaniously, he Made off immediately — We pursued after him shooting

at him, but Without effect — got as far as the little river, W[h]ere one of his Brothers is entered, on Arriveing there he Made a stop, and hollowed to us that, that was the place he wanted to die. Garreau *Cesar* like approached in 15 paces of him and shot, the contents knocked him Over, he then rushed on him With his large Knife and ripped his body open, they were both entered at 2 P. M — I have hoisted the Black flag an Indian (the two Bulls) showed himself to day. With several others, How it Will turn Out I know Not, but thus far — Man for Man, the Rees appear to Not say Much about it — Garreau deserves the hig[h]est Praise from us all, he Acted Manfully Although against his own Nation he always told Me that he would always act as he has done, the Mother of the fellow We Killed Came to the Fort crying, saying that she wanted to die also, and wished for us to Kill her. Garreau stepped up, and With his tommahawk would of Made short work of the Old Woman, but was prevented —

Friday 18, Rain all last Night — and this Morning, An Indian that slept in the Fort last Night Was taken Very sick With the cramp, the Noise that he Made, gave an allert to all of us in the Fort — I thought we Were attacked and jumped Out of bed in My shirt-tail and seized my gun — I Was pleased to find that it was only occasioned by one sick Man, that Was Dreaming of a White Bear. An old Ree started this Morning to pay a Visit to the GrosVentres, the Soldiers would Not let him enter the Village, they have Made a quarantine and they will Permit No One from this place to Come Near them. I have heard no talk about the fellow We Killed Yesterday as his two Brothers are not Come in from Buffaloe hunting. Nothing but An Occasional glass of grog Keeps me alive as I am worried almost to death by the Indians and Whites, the latter (the Men) threaten to leave Me, put up some tobaco to Send to the GrosVentres —

Saturday 19 Charboneau and his family started for the GrosVentres last Night, being afraid to trust himself in the day time. A Mandan And his Wife Killed themselves yesterday, to Not Out live their relations that are dead, Sent ten Pounds of tobacco to the Soldiers of the GrosVentres, begging them to Not Come to their summer village, As the disease has Not Yet broke Out Amongst them if it dose I Am afraid that they will put their threats in execution. I was in hopes that the disease was almost at an end, but they are dying off 8 and 10 every day — and new cases of it daily — W[h]ere it will stop *God* only Knows — An Old Mandan harangued from the opposite side, to the few that are remaining in the Village, to Prepare themselves, but for what I could not find Out — Wether it is to come in a body to Attack

us, or some other reason, time will only tell. I Prefer them Come all in one body and then we will Know What we have to do, but they are so treatcherous, that it is impossible to Know Friend or Enemie, however I consider them all the latter, As An Indian is soon turned, like the wind, from One side to the Other. As I was sitting Out side of the Fort, An Indian Came to me, And told me that I had better go in the Fort, as it Was dangerous for Me to go Out — I took his advice and Went in, Although Ashamed to say so — In the hurry and Confusion on the 17th some dog Made Way With One of My guns the disease broke out in the Fort six days ago,

Sunday 20, Sprinkled With rain. Three more died in the Village last Night. The Wife of a Young Mandan that caught the disease Was suffering from the pain, her husband looked at her, and held down his head, he jumped up, and said to his wife, When you Was Young, you were hansome, you are now ugly and going to leave me, but No, I will go With you, he took up his gun and shot her dead, And With his Knife ripped open his Own belly — two young men (Rees) Killed themselves to day, one of them stabbed himself With a Knife, and the other with an arrow — Visited by four young Men of the Little Village, there has been but eight deaths at their village, gave them a pipe of tobacco, and they went off —

Several showers of rain throughout the day — A Ree that has been liveing in the Fort, for some time past, Caught the disease to day — Sent him to the Village — A young Ree that has been sick for some time with the small pox, and being alone in his lodge, thought that it was better to die, than to be in so much pain, he began to rub the scabs untill blood Was running all over his body — he rolled himself in the Ashes, Which almost burnt his soul Out of his body — two days after he was perfectly Well, it is a severe opperation, but few are disposed to try it — however it proved beneficial to him — May has not yet arrived from the GrosVentres. No doubt but he has been Well received by them, is the reason of his remaining so long —

Monday 21, Frost this Morning. Winter clothing very comfortable, the Indians that left here the 17th inst in serch of Cattle, all Came back to day With an abundance of Meat — report cattle scarce and far off — The brother of the dog We Killed the 17th arrived to day — As yet we have herd nothing from him. I am in hopes that it will all turn Out Well — An Indian Came and told Me to be on My guard — as the fellow above Mentioned, is determined to Act as his brother, to Kill One of us, And then die, he says that he will do it even if all the Village is against him. May he change his notion is the wish of your Humble Servant —

Tuesday 22, Cool pleasant Weather, The disease still Keeps ahead 8 and 10 die off daily, thirty five Mandans (Men) have died, the Women and Children I keep No Account of — Several Mandans have come back to remain in the Village, One of My Soldiers a (Ree) died to day — Two Young Mandans shot themselves this Morning — News from the Little Village, that the disease is getting worse and worse every day. it is now two months that it broke Out — A Ree that has the small Pox, And thinking that he was going to die, approached Near his Wife, a Young Woman of 19 — And struck her in the head With his tommahawk, With the intent to Kill her, that she Might go With him in the Other World — she is badly Wounded a few Minutes after he cut his throat, a report is in Circulation, that they intend to fire the Fort, Stationed guards in the Bastion

Wednesday 23, May and Charboneau arrived late last night from the GrosVentres all appears to be quiet in that quarter. The little Sioux a *Mandan* died last night, We had three allerts to day — all hands under Arms, all false reports Several Rees Arrived from their camp at the GrosVentres

Thursday 24, Seven More died at the Village last Night, and Many More at the Ree camp at the point of Woolds below The fellow that we Killed on the 17th all his band Came to day to smoke With us and Make Peace, how long it will last I Cannot tell, however We Must put up With it, good or bad —

Friday 25, May And Charboneau started last Night for the GrosVentres sent a few pounds of powder & Ball to the GrosVentres And Rees — An other Mandan chief died to day — (The long fingers) total Number of Men that has died — 50, I have turned Out to be a first rate doctor St Grado, an Indian that has been bleeding at the Nose all day, I gave him a decoction of all sorts of ingredients Mixed together, enough to Kill a Buffaloe Bull of the largest size, and stopped the effusion of Blood, the decoction of Medicine, Was, a little Magnisia, peppermint, sugar lead, all Mixed together in a phial, filled With Indian grog — and the Patient snuffing up his nose three or four times — I done it out of experiment And Am Content to say, that it proved effectual, the Confidence that an Indian has in the Medicine of the whites, is half the Cure,

Saturday 26, The Indians all started Out on the North side in quest of Buffaloe, As they have Nothing to eat A Young Ree, the Nephew of Garreau, died at the Village last Night, Much regretted by us all, As he was one of the foresmost in aideing to Kill the dog on the 17th inst & A Mandan of the Little Village Came to the Fort to day to Sing his Medicine Song, got paid for his trouble, and Went off — glad to get

clear of him — A young Ree that has the Small Pox, told his Mother to go and dig his grave, she accordingly did so — after the grave Was dug, he walked With the help of his Father to the Grave, I Went Out With the Interpreter to try to pursuade him to return back to the village — but he would not, Saying for the reason that all his young friends Were gone, And that he wished to follow them, torwards evening he died —

Sunday 27, Strong east Wind, rain in the Morning, The Indians Came back from the *Cerne* Well loaded With fresh Meat, report Cattle in abundance 20 Miles off — News from the GrosVentres of the disease breaking Out amongst them,

Monday 28, Wind from the North, rain, disagreeable Weather, several More Indians Arrived With fresh Meat — from the North Side gave us a small quantity which we found very good — Three More fell sick in the Fort to day — My Interpreter for one, if I loose him I shall be badly off, the bad Weather continued all day — and no Prospects of Clearing off —

Tuesday 29, Last Night I Was taken Very Sick With the Fever, there is Six of us in the Fort that has the Fever, and One the Small Pox — An Indian Vacinated his child, by Cutting two small pieces of flesh Out of her Arms, and two on the belly — and then takeing a Scab from One, that Was getting Well of the disease, and rubbing it on the Wounded part, three days after, it took effect, and the child is perfectly Well —

Wednesday 30, All those that I thought had the small Pox turned out to be true, the fever left them yesterday, and the disease showed itself, I Am perfectly Well, as last Night, I took a hot Whiskey Punch, Which Made Me sweat all last Night, this Morning I took My daily Bitters as usual, Indians Arrived with fresh Meat, report Cattle in abundance opposite the Little Lake below —

Thursday 31, A Young Mandan that died 4 days ago, his Wife haveing the disease also Killed her two Children. one a fine Boy of eight years, and the other six, to complete the affair she hung herself.

Month of August I bid you farewell With all My heart, after running twenty hair breadth escapes, threatened every instant to be all Murdered, however it is the Wish of [your] humble Servant that the Month of September Will be More Favorable. the Number of Deaths up to the present is Very Near five hundred The Mandans are all Cut off except 23 young and Old Men

Killed 89 Rats this Month Total 1867 —

SEPTEMBER 30 DAYS — 1837

Friday 1, This Morning two dead bodies wrapped in a White

skin, and laid on a raft passed by the Forks on their way to the regions below. May success attend them. The Rees that are encamped in the Point of Woods below, Are Moveing up to encamp at the Mandans Corn fields No doubt with the intention of takeing all from them, as what few Mandans are left are Not able to Contend with the Rees — Mitchels squaw fell to day.

Saturday 2, Being Out of wood, risqued the Men — to the point of Woods below hauled eight loads. Several Indians Arrived With fresh Meat, out 2 days, but one death to day, although several are sick, those that catch the disease at Present, seldom die. One Fellow I saw on horseback to day — he looked More like a gohst than a [human] being —

Sunday 3, A Young Mandan came to pay us a Visit from the Little Village, he informes us, that they are all Most all used up, and that it is his opinion that before the disease stops, that there will not One be left, except 8 or 10 that has Weathered Out the Sickness —

Monday 4, Commenced for the second time, to haule hay, as I have 50 or 60 Loads in the prairies, the Troublesome times prevented Me from hauleing it — a young Mandan that was given over for dead, and abandoned by his Father, and left alone in the bushes to die, came to life again, and is now doing Well, he is hunting his Father, With the intent to Kill him, for leaveing him alone. Pellot With 2 Men Arrived from the Little Miss No News in that quarter, Out 15 days haveing lost their way, and travelled up as far as the Little Miss[r] report that from Grande River up, all the Country is black with Buffaloe, all coming in this way. I Am in hopes that We shall have them here soon.

Tuesday 5, Thick foggy Morning, Indians all Out after Buffaloe on the North side. Set the Men to Make a skin Canoe to start to Fort Pierre.[9] Covered the stable With dirt &c.

Wednesday 6, Same as Yesterday — Some few Indians started out, on this side, in quest of Buffaloe, rainey disagreeable weather. No news from Any quarter — The Canoe destined for Fort Pierre, detained by the bad Weather. The Mandans that were encamped on the opposite side of the river all crossed to day, and Camped in the Village, to gather their Corn.

[9] Fort Tecumseh was established a short distance above the mouth of Teton River about the year 1822, and became the principal station of the Columbia Fur Company. In 1827 it was turned over to the American Fur Company, which built a new post nearby in 1831, and in 1832 rechristened it Fort Pierre, in honor of Pierre Chouteau of St. Louis. Next to Fort Union, it was the most important station of the company on the Missouri River. The city of Pierre, South Dakota, later developed at this point. See Chittenden, *op. cit.*, III, 955-56.

Thursday 7, The bad Weather still Continues the disease Not yet over, five and six die off daily — No News from the GrosVentres since 12 days — The Indians that Crossed the river the 5th inst. arrived to day Well loaded With fresh Meat — others arrived from this side also loaded, report Cattle plenty all Over the Country — Started the canoe With two Men to Fort Pierre, sent My Boy down With them being afraid of the Disease. Several Rees are yet encamped in the point of woods below, taken care of the sick, although New Cases every day — Garreau appears Much better to day — Bellehumeur's Wife and 2 Children has it,

Friday 8, Rain. disagreeable Weather, those that are sick in the Fort get Worse, there is at Present Seven sick of the disease, A Son of old L'etaile died to day — regretted by us all, As he was one of the formost in Killing the dog on the 17th inst. The rain Continued all day —

Saturday 9, Fine weather until 10 A. M. Cold and cloudy the rest of the day. Wind N. W. Employed the Men Makeing a road on the bank of the river, to haule wood this winter. I Am badly off As I have 60 Loads of hay yet to haule, And Not One stick of Wood in the Fort —

Sunday 10, Charboneau Arrived late last Night from the GrosVentres, all Well in that quarter, the disease has Not Yet broke out Among them, except his squaws, Who died 4 days ago — Put up a few goods to send to the GrosVentres to trade Robes &c — Hard frost last Night —

Monday 11, Set the Men to haule hay — Charboneau started late last Night for the GrosVentres, With two Mules loaded With Powder, Ball, & Tobacco — Indians Out after Buffaloe on the North Side,

Tuesday 12, The Rees started down the river as far as Hart River to encamp 4 or 5 days as Cattle are plenty in that quarter. The Bloody hand, a Ree chief arrived from his camp, at the GrosVentres, he reports that the disease has broke Out at his camp, Bought a horse from a Mandan — Finished one stack of hay 35 Loades, Five More enterments to day One of My horses is Missing, supposed to have been stolen

Wednesday 13, Cold and appearance of rain, set the Men to haule Wood. A young girl, the daughter of the Old Star, died in the Fort — Indians Arrived from the North Side loaded With Meat, Out three days —

Thursday 14, The Weather continues Cold. Wind from the North, cloudy and Appearance of snow — Two Rees that has been With the Sioux (Saons) since last summer, arrived from their Camp on Cannon Ball river, having been sent by the Saons With a pipe, to Make peace With the Rees And Mandans. The disease has Not broke Out Among them, Two of My horses are missing — A Ree that arrived from the

GrosVentres With a stolen Horse, reports the Arrival of two white Men in a Canoe, from Fort Union —

Friday 15, Two Men arrived late last Night in a Canoe from Fort Union. The disease has broke Out at the Assinneboines And Black feet, Several has died, the Rees that left here the 12th inst all arrived loaded With Meat report cattle plenty on Heart river — Wrote letters and Prepared the express for F. U.

Saturday 16, The two Men that arrived from Fort Union started early this Morning, With letters for J. Halsey two More of Bellehumeurs Children Caught the disease to day. he has at present his Wife and five children sick.

Sunday 17, The two Rees that arrived from the Saons Camp the 14th inst left here to day — Accompanied by two others, With tobacco to smoke, and Make peace between the two Nations, set the Squaws to sew a skin Canoe, to haule Wood from the other side of the river, strong Wind from the North Which Continued all day — hard frost this Morning, Which froze all the Corn & Pumpkins.

Monday 18, The Mandans And Rees Crossed the river in quest of Buffaloe, this Morning And yesterday, we had a Very hard frost, Which has frosen All the Corn — I shall be badly off this Winter, As I do Not expect to trade ten Bushels of Corn this year. Worked all day Makeing a skin Canoe to haule wood from the sand bar opposite the Fort — I have Not worked As hard these six years As I have to day, haveing but two Men Able to Work, the rest Are sick a bed, finished hauleing My hay 64 Loades

Tuesday 19, All quiet to day — Nothing Worth relateing has transpired, except that the day Was pleasant, And that we have Not a stick of Wood in the Fort — Tomorrow I am in hopes of haveing 10 or 12 Loads I was Visited by a Young fellow from the little Village, he assures Me that there is but 14 of them liveing, the Number of deaths Cannot be less than 800 — What a bande of rascals has been used up —

Wednesday 20, Appearance of rain, cold And Not a st[i]ck of Wood in the Fort. all the sick in the Fort 14 in Number, Complains of the Cold last Night, haveing passed the Night Without fire. Bellehumeurs youngest child died to day —

Thursday 21, Set the Men to haule wood from the opposite side, With a skin Canoe of 6 Sk[in]s — Made two Trips, 16 Cart loades. The Mandans fearing their Allies, the Rees should unite With the Sioux, have all fled to the Opposite Side of the river. what their intention is, I know Not, but the few that are left (41), Are Miserable, surrounded on all Sides.

Friday 22, The Rees crossed the river in quest of Buffaloe Com-

menced Tradeing Corn — Strong Wind from the South east Which Prevents My hauleing Wood — Entered into My Winter quarters, My Youngest son died to day —

Saturday 23, An other of Bellehumeurs children died last Night, a fine boy of six Years old, sick eight days. Strong Wind again to day, Which Prevents My hauleing Wood, passed the day With the Men saw-ing Wood,

Sunday 24, Rain all last Night, the Ducks geese and Swans, are Comeing from Above, Wholesale and Retail. No doubt but winter has set in Above. Arranged My Corn Scaffold in hopes of tradeing a few bushels,

Monday 25, Allert at the Village last Night, Yesterday the Gros-Ventres stole six horses belonging to the Rees, War Will be declared between the two Nations before long — as the Rees talks of retaliateing, hauled 3 Canoe loads of wood —

Tuesday 26, Newman & Benture arrived from hunting Beaver, brought With them 105 Sk[in]s Indians Arrived With fresh Meat — Strong Wind from the East at 10 A. M—

Wednesday 27, Settled With the Hunters for their Beaver. Sold them two Horses. Newman started Out to Make a Second hunt on Pow-der River. Some few Rees started Out after Buffalos Charboneau Ar-rived from the GrosVentres bringing With him 85 Robes and 4 Beaver Sk[in]s — reports that but few of the GrosVentres have the disease and that but 10 has died, the Rees Also has it Amongst them, And Die off 2 and 3 every day — all Peacable in that quarter, No bad talk against the Whites. Cattle scarce in their Neighborhood —

Thursday 28, Rain. put up some Powder, Ball & Tobacco to send to the GrosVentres, Rain, Indians Arrived With fresh Meat — Hauled 41 Loads of Wood from the river,

Friday 29, Heavy rain, thunder and lightning all last Night. Char-boneau started up to the GrosVentres With a small equip^{t} to Trade this Winter. Benture and three Indians Went With him. Sold 2 horses to Benture for thirty Pounds Beaver — The Rees that [left] here the 27 inst Arrived to day loaded With fresh Meat, report Cattle in abundance. Set the Men to saw fire Wood —

Saturday 30, Cloudy — Finished hauling Wood 90 Loads — Two More Rees died to day, With the Small Pox, several More are sick at the Village. All the Rees And Mandans Men's Women's And Children, have had the disease, except a few Old Ones, that had it in Old times, it has distroyed the seven eights of the Mandans, And one half of the Rees Nations, the Rees that Are encamped With the GrosVentres have just caught it, No doubt but the one half of them Will die also — As

they talk of removeing down to this place if so, they Cannot avoid Catching it, as the peste is at this place Mr. Mitchel Arrived from S[t] Louis With thirty Men, on his way to Fort Union —

Killed 74 Rats this Month — 1941 —

1837, OCTOBER 31 DAYS

Sunday 1 Mitchel And his party left here for for Fort Union. Cloudy in the Morning, fine And pleasant in the afternoon. Indians all quiet, talk of starting below, to Make their winter quarters, As Buffaloe are plenty in that quarter,

Monday 2, I have only two Men in the Fort Set them to haule Wood. Foggy Morning, at 10 A. M — Cold North Wind, With rain,

Tuesday 3, Snow And rain all last Night, the Prairies Are all covered With snow — had it Not rained We Would of had snow 3 feet deep, cleared off in the afternoon,

Wednesday 4, More rain, A Ree that Went from here With M[r] Mitchel, came back to day — reports the Rees that were encamped With the GrosVentres, have seperated, the former are on their way to this place, the latter are still going further up the Miss[r]

Thursday 5, Feast And Council With the Rees gave them a Small Present, And spoke to them about Moveing to their Winter quarters. Counciled With the Mandans

Friday 6, The Rees all started Out after fresh Meat, as cattle are plenty Near at hand, a band of Antilopes (200) Made their appearance on the opposite side. Indians Out after them,

Saturday 7, Several Ree lodges crossed over, the river to Winter with the Mandans — A stray horse Made his Appearance on the Other Side supposed to be one that Mitchel And his party lost at the Square hills, —

Sunday 8, Cloudy — the Rees that left here the 6th inst all Arrived loaded With Meat and skins, report cattle in Abundance. Council With the Mandans, they all came on horse-back on the other side, sent the Canoe and Crossed 4.

Monday 9, Strong North West Wind all day — Set the Men to Saw Wood — A bande of (50) Antilopes showed themselves on the other side, good Signe of Buffaloe being plenty,

Tuesday 10, The Squaws are all busily engaged in dressing the skins that were brought in the 8th inst. As soon As they are finished, they all Move down to the little lake to Camp for the Winter. The Rees gave us a dance,

Wednesday 11, Several Mandans Arrived last night from hunting, report the Country black With Buffaloe opposite the Square hills.

Thursday 12, Squaw fight at the Village, two Young Men also Came Near fighting, on Account of a stolen horse.

Friday 13, Nothing of Any importance has Transpired to day — except that an Indian Came to take One of My Mules from Me that formerly belonged to him, Which I exchanged With An Other for a horse,

Saturday 14, The Mandans all Moved up the river. Where their place of destination is, We cannot find Out — A party of five Young Rees started this Morning to steal horses from the GrosVentres, the chiefs sent after them, and Made them return,

Sunday 15, Shower of rain last Night. Thirty or forty Indians all Mounted on horse back Were discovered from the Village, thought to be enemies,

Monday 16, The Rees all Moved down to the Point of Woods opposite the Little Lake, to take up their winter quarters. Several Rees that has been liveing with the Sioux Arrived to day — report that the Small Pox has broke Out amongst them, the Rees decamped in the Night As the Sioux Were for Killing them

Tuesday 17, Smokey Weather, set the Men to haul Wood from the Village 25 Loads, all the Indians have decamped, except One lodge, that has lately Caught the disease

Wednesday 18, Rain, Two Young Bucks Came up from Camp, report Cattle in abundance opposite the Little Lake, the bad Weather Continued all day —

Thursday 19, Cold And Cloudy, at 4 P. M fine And pleasant. No News from any quarter, except that One of My Men's squaws run away

Friday 20, An Indian Arrived from the Camp below — Cattle plenty Near their camp,

Saturday 21, Started Out at day light With two Men and four Mules in quest of something to eat at 9 A. M — discovered a band of cows run them And Killed four, got home at sun down, With Our horses well loaded,

Sunday 22, Light fall of Snow last night — Mr Halsey With three Men Arrived from Fort Union, in a small Mackinaw boat bound to fort Pierre.

Monday 23, Haveing Nothing to do, I thought I would take a trip down With M Halsy to see My old friends at Fort Pierre off at 10 oClock, arrived at Fort Pierre the 31st passage of Nine days —

NOVEMBER 24TH 1837

I arrived here to day in twelve days from the Little Missouri. I passed a band of Yancton's opposite the mouth of Cannon-Ball River; we have been the last four days without any thing to eat except one otter; and to make our trip more agreeable we were two days and one

night in snow to our Knees, however I found all things right at my arrival, which compensates for the unpleasantness of my trip.

Saturday 25, Men all employed sawing wood. Garreau started out in serch of 2 lost horses — Prepared the express for Fort Union,

Sunday 26, Sent down to the Ree camp for a horse that I left there, on my way to this place, started the Men's with the letters to Fort Union, (May & C°)

Monday 27, Sent Out My hunters with 4 Mules. Mitchel & Garreau started Out in serch of two lost horses. Prepared the express for Fort Pierre,

Tuesday 28, Thick fogg — started two Men, letters to Fort Pierre, (Latness & C°) — two horses that has been lost for several days came to the Fort to day snow storm

Wednesday 29 Set the Men to Make balls — Put up an Eqt to send to Ree Village; My hunters arrived With the Meat of 4 Cows —

Thursday 30 Started the Eqt to the Rees, 1 Cart-load of Merchandises,

Killed 268 Rats the Month total 2209

1837 DECEMBER 31 DAYS

Friday 1st The cart arrived from the Ree camp, No News in that quarter, except that they are busily engaged in dancing the scalps of three Sioux, that they Killed a few days ago, in the act of stealing horses,

Saturday 2 Snow storm last last [night?], a Buffaloe Bull Made his appearance on the sand bar opposite the Fort.

Sunday 3 Sent out My hunters With 4 Mules, one of the Coldest days we have [had], the river not yet closed —

Monday 4— The river frose over last Night, it has been later this Year, than several Years past, 80 to 100 Rees came up to the Fort to day, each of them 3 to 4 horses, on their way Out after Buffaloe, Which are in abundance, 10 Miles off —

Tuesday 5— Men employed in hauleing Wood, others Make[y] a cart and sled or train, My hunters arrived late with the Meat of 4 Cows —

Wednesday 6— The squaws Came up from the Village to give us a dance, they got Nothing for their trouble, and Went off dissatisfied,

Thursday 7— The Indians all Arrived Well loaded with fresh Meat. Gave me the Meat of two cows — and thirty tongues —

Friday 8— The Indians all started down to their camp — two Indians arrived from the Mandan camp, report Cattle in abundance.

Saturday 9 Sent out My hunters With 6 Mules — Two Men from Fort Union With the Express for S[t] Louis Arrived — Out 7 Days —

Sunday 10 Snow Throughout the day. Prepared the express for St Louis. Two Indians Was discovered on the other side of the river, as they did Not Come to the Fork, Were supposed to be enemies —

Monday 11 Three Rees arrived from the camp, below report cattle in abundance, on the North side, all hands out to run them —

Tuesday 12 Started two Men With the Express, for St Louis. Set Traps to catch Wolves. My hunters Not yet returned,

Wednesday 13 Caught a fox last Night — No news from Any quarter,

Thursday 14 Caught eight foxes, and three Wolves last night —

Friday 15 Caught 3 Wolves and six foxes last Night — My hunters arrived late with the Meat of six Cows —

Saturday 16 Caught three Wolves and seven foxes last Night, the chimney in the Mens [Mess] house caught fire —

Sunday 17 Caught one Wolf and one Fox last Night. A young Mandan and his Wife arrived from the Camp Above, reports a fight between them and the assissiboines two Mandans Killed, the former after a hard fight, with the loss of One Man, succeeded in driveing off 35 Horses.

Monday 18 Sent the old *Star* down to the Ree camp to collect some News —

Tuesday 19 Sent Out My hunters With 4 Mules. The Old *Star* Arrived from the camp below No News in that quarter, except that Buffaloe are plenty — and that a small War Party of Sioux stole fourteen horses, two Nights ago.

Wednesday 20 Caught One Wolf last Night, sent some Tobacco up to the Mandan camp — My hunters arrived With the Meat of three Cows, report Cattle plenty in 20 Miles of the Fort, all Travelling this Way — I Am in hopes that in the course of 2 or 3 days We shall be surrounded by them —

Thursday 21, May arrived late last Night from Fort Union, had three of his horses stolen on his way to this place by the Assinniboines —

Friday 22, Started a Small War party up to the Assinniboine Camp, to steal two horses that they have belonging to Me.

Saturday 23, An Indian Arrived from the Camp below, report Cattle plenty — the Yanctons have stolen twelve horses from them two Nights ago

Sunday 24, Mild and pleasant. No News from Any quarter —

Monday 25— Christmas, Cold North West wind all day —

Tuesday 26— Sent Out My hunters With 4 Mules, same as Yesterday

Wednesday 27, All's Quiet —

Thursday 28, Dº Dº

Friday 29, Ditto

Saturday 30, My hunters Arrived With the Meat of five Cows — Cattle far off — and Travelling to the West —

Sunday 31, Sent a Man down to the Ree camp to collect some News — Caught three foxes last Night — Charboneau Arrived from the GrosVentre camp. he was accompanied by 2 Mandan and one Gros-Ventre, he is encamped with only Ten Lodges, the rest of the Lodges are scattered, on the Little Missº he has had No News of them, for two Months, in all Probability they Are all Dead, the last News that he had from them was, that 117 had died, and the disease was still rageing — Killed 85 Rats this Month — total 2294

Speech of the 4 Bears a Mandan Warrior to the Arricarees and Mandan — 30th July 1837[10]

My Friends one And all, Listen to what I have to say — Ever since I Can remember, I have loved the Whites, I have lived With them ever since I was a Boy, and to the best of My Knoweledge, I have Never Wronged a White Man, on the Contrary, I have always Protected them from the insults of others, Which they Cannot deny, The 4 Bears Never saw a White Man hungry, but what he gave him to eat, Drink, and a Buffaloe skin to sleep on, in time of Need, I was always ready to die for them, Which they Cannot deny. I have done every thing that a red Skin could do for them, And how have they repaid it! With ingratitude! I have Never Called a White Man a Dog, but to day, I do Pronounce them to be a set of Black harted Dogs, they have deceived Me, them that I Always Considered as Brothers, has turned Out to be My Worst enemies, I have been in Many Battles, and often wounded, but the Wounds of My enemies, I exhalt in, but to day I am Wounded, And by Whom, by those same White Dogs that I have Always Considered, and Treated as Brothers, I do Not fear Death My friends, You Know it, but to *die* With My face rotton, that even the Wolves will shrink With horror at seeing Me, And say to themselves, that is the 4 Bears the Friend of the Whites — Listen well what I have to say, as it will be the last time you will hear Me. think of your Wives, children, Brothers, Sisters, Friends, and in fact all that you hold dear, are all Dead, or Dying, with their faces all rotton, caused by those dogs the whites, think of all that My friends, and rise all together and Not leave one of them Alive, The 4 Bears Will act his part.

[10] Four Bears died this same day, July 30, 1837. The speech is copied at the end of the bound volume containing this portion of Chardon's journal (p. 114). The journal entry for July 30 occurs on page 27 of the book.

THE TWENTY-THIRD ANNUAL MEETING OF THE MISSISSIPPI VALLEY HISTORICAL ASSOCIATION

By William O. Lynch

Chattanooga proved to be a delightful place for the twenty-third annual meeting of the Mississippi Valley Historical Association. This is recorded with peculiar pleasure for the reason that the writer of this report had long desired a meeting in the valley of the upper Tennessee. In Indianapolis, in December, 1928, he expressed this desire to Professor Frank W. Prescott and suggested that Chattanooga extend an invitation to the Association at the time of the annual meeting in Vincennes. The invitation was forthcoming and accepted. The meeting was held in the Cherokee country, in the city which was the center of one of the great campaigns of the Civil War. Members of the Association who were unable to attend were unfortunate, especially those who have never visited Chattanooga.

Situated at the northern end of Lookout Mountain, a remarkable ridge that extends southwestward for a distance of eighty miles, Chattanooga is on the banks of the Tennessee. This beautiful river before starting on its great circuit to join the Ohio gathers up the waters of streams that rise in Virginia — Powells, Clinch, and the Forks of the Holston. It likewise receives the waters of rivers that rush westward from the Blue Ridge, cutting their way through the Great Smoky Mountains — the Watauga, the Nolichucky, the French Broad, the Pigeon, the Little Tennessee, and the Hiwassee. Immediately below Chattanooga and under the end of Lookout Mountain is the famous Moccasin Bend of the Tennessee River. Views of the city and the river, and of the mountains and smaller valleys, from Lookout Mountain, Signal Mountain, or Missionary Ridge are unusually fine. Favored by nature and rich in historical interest, Chattanooga was truly a fitting place for the meeting of a group interested in the history of the Mississippi Valley.

Nearly all the sessions were held in the ballroom of the Hotel

Patten, headquarters for the meeting, the remaining sessions being held at the University of Chattanooga a few blocks away. The first session occurred on Thursday forenoon, April 24, the topic being the "History of the West." Dr. Hallie Farmer, head of the department of history at Alabama College, presided at this opening session. The first paper was presented by Randolph C. Downes of the University of Pittsburgh. Treating the subject, "Frontier Opposition to the Northwest Ordinance, 1788-1803," Mr. Downes pointed out the similarity of governments provided for western colonies by the new United States and those maintained by Great Britain in the British mainland colonies before 1776. Frontiersmen of the Northwest were much dissatisfied with governors and judges appointed by a distant government and sent to rule over them. Under second-grade government, they were still, under governors appointed by the President with the right to negative the measures passed by their representatives. Territorial governors were apt to have the federal point of view and to be out of harmony with the ideals and interests of western colonists. The Ordinance of 1787 was weak in regard to local government. In spite of the several excellent features of the system of colonial government embodied in the Ordinance, western colonists were restive and longed for statehood, the promise of which was to them the fairest provision of the document of 1787. Experience in the Northwest in the early period led to the liberalizing of later territorial governments and to the appointment of governors in sympathy with the West.

In the second paper of the morning session, Thomas P. Martin of the Manuscripts Division, Library of Congress, dealt with "Farm Relief and Anglo-American Relations, 1842-1846." This was the period of the Liberty party. Mr. Martin explained that this party favored repeal of the British Corn Laws, partly because of the belief that they favored the South and partly because its supporters were interested in a better market for northern farmers. For the Northwest, the main market for agricultural products was in the South. It was hoped that the Whigs might bring relief to farmers by a return to protection. The tariff act of 1842 proved a disappointment. A shortage of food crops in the British Isles gave an advantage to the United

States. Texas was annexed without opposition from Great Britain. The Corn Laws were repealed by Parliament, the American tariff rates were lowered by Congress, and the Oregon question was settled by mutual concessions of Great Britain and the United States.

Following the conclusion of Mr. Martin's paper, R. L. Biesele of the University of Texas read one on "The German Ideal of a German-American State." From about 1830 to the Civil War certain German liberals persistently dreamed of a German state or states in the United States. They laid plans and at times actually sought to carry them into execution. None of the plans bore fruit. Reasons for failure were: conditions in America were not understood by the promoters of the schemes in Germany; funds sufficient for large-scale colonization were not raised; German colonists were primarily interested in bettering their own condition, not in building a German state; the assimilative power of America was too great. In a later period, the great German-American, Carl Schurz, voiced a different ideal, which was that Germans in America should have no separate purposes, but contribute their best to American nationality.

The last paper of the session was that of H. C. Hubbart of Ohio Wesleyan University, who showed that the spirit of western Democrats in the "roaring forties" lived on to play an important part in later history. In the eighteen-forties western Democrats tended to be insurgents and to advocate progressive measures. They were expansionists in everything except in relation to slavery. Douglas became more and more a western leader and looked less to the South. Popular sovereignty was substituted for an anti-slavery policy. The split in the Democratic party in 1860 was deeply significant. The spirit of Douglas and the West hovered over the Republican National Convention. Lincoln was accepted by the Lake region and the East because of Douglas. During the Civil War Democrats of the Northwest looked back to the ideals of freedom of the eighteen-forties and of the period of compromise. In a later time, these principles proved to be valuable.

The luncheon conference of Thursday was in charge of Herbert A. Kellar of the McCormick Library, Chicago. The topic for consideration was "Historical Manuscripts." The leader

in the discussion at this interesting and important conference was Thomas P. Martin, one of the speakers at the morning session, who was followed by others.

At the afternoon session, four papers dealing with phases of "Recent United States History" were presented. The chairman, Professor Thomas P. Abernethy of the University of Alabama, announced John D. Hicks of the University of Nebraska, whose subject was "The Populist Contribution." The People's party advocated political changes, but only as a means to an end. The new way to obtain social and economic reforms was through legislation. Therefore the people must control governments. Most of the political reforms were established in time. Many Republicans and Democrats were weaned away from party loyalty by the Populist movement and party ties have not been so strong since. Populists in the South divided the white vote with Democrats. Both white parties sought negro votes. Then came a new crusade against negroes. Populists returned to the Democratic party, but primary elections remained important. Since that time, Southern poor whites have had greater consequence. Rural credits go back to Populism. The present Farm Board does more than the Populists demanded. Roosevelt championed much that the People's party had desired. The Clayton Act of Wilson's first term had its roots in Populism, as did the Roosevelt policy of conservation.

The next paper of the only afternoon session of the annual meeting was read by James A. Barnes of the Brookings Institute, Washington, D. C. Mr. Barnes has been engaged in a long investigation of the career of John G. Carlisle, and his contribution, "The Gold Democrats and the Party Conflict," is a by-product of that study. He stressed the rivalry of the Democratic leaders, Grover Cleveland and William Jennings Bryan. Their supporters fought for a year to gain control of the National Democratic Convention that was to meet in 1896, the contest going steadily against the Gold Democrats. Bryan by "correspondence and grace of oratory" successfully built up a pre-convention machine. His nomination in Chicago was no accident. The vote for the candidates of the Gold Democrats was small partly because many of them voted directly for the Republican candidates. Democratic leaders like Cleveland and Carlisle were

cast aside by the Bryan Democracy. "Bitter dissensions continued in the party until 1912, when Woodrow Wilson felt that he had united the two wings," but, it may be said, that "the union did not outlast his years in the White House."

Olynthus B. Clark of Drake University followed Mr. Barnes with a paper on "Nineteenth Century Backgrounds of the Eighteenth Amendment." A temperance movement started about 1825. By 1850, a state prohibition policy had developed strength. Many methods were advocated and tried to curb the drink habit. Logic and the force of circumstances led advocates of temperance to espouse prohibition. In thirteen states, regulation of the liquor traffic gave way to prohibition by 1855. The federal government placed a heavy tax on the manufacture and sale of intoxicating liquors, which policy served to entrench the liquor interests in politics and government. The business became a power in the country. Following the breaking up of the "Whiskey Ring" in 1875, a new temperance movement started. Organizations, notably the Good Templars and the Women's Christian Temperance Union, led a new crusade. A little, despised Prohibition party remained on the political stage for years. State prohibition gradually increased again, but encountered difficulties, especially adverse decisions by the United States Supreme Court. A thirty-year drive for an amendment to the Constitution of the United States ensued. The Eighteenth Amendment did not come suddenly, but after a century of development, being the expression of "the serious, sober will of a vast majority of the American people."

The final paper of the session was read by James G. Randall of the University of Illinois who presented a short study relating to "John Sherman and Reconstruction." Sherman was at heart a moderate who approved of Johnson's policy of reconstruction and who believed that Johnson had a right to remove Stanton. Nevertheless, he supported the radical reconstruction measures and was one of the senators who voted "guilty" at the end of Johnson's impeachment trial. Mr. Randall attempted to explain this peculiar course of Sherman. Why did a man of his integrity and moderation, a leader to whom Southerners looked for sympathy and aid, act against his convictions? The answer is, according to Mr. Randall, that, while Sherman did not basely truc-

kle to the radicals, he did, in order to preserve his influence and remain in public life, vote with that aggressive group. His memoirs and even his speeches at the time reveal a feeling of regret in regard to the success of the measures which he supported. Concerning the impeachment, he was especially definite in expressing satisfaction that the senators with whom he voted were unable to convict the President.

On Thursday evening the members of the Association and guests met for the annual dinner. At this banquet no one was required to wrestle with a serious thought. The weighty problems that have troubled older historical investigators for many years and which younger men now attack as if their very existence had never before been discovered — these were ignored or forgotten. E. E. Dale of Oklahoma University, the chairman on this occasion, measured up to his responsibility. From his ample stock of humorous (and really new) stories, he supplied the company present with a few of his best which were received with evident appreciation. The speakers who aided the chairman in giving color and flavor to this happy hour were E. Merton Coulter of Georgia and Texas, Elbert G. Bourne, editor of the *American Historical Review*, and Avery O. Craven of Chicago.

The last session of the day was held in the John M. Patten Memorial Chapel, University of Chattanooga, following which came a smoker for members of the Association at the University Commons. In a few appropriate sentences, President Alexander Guerry, the youthful-appearing head of the University, welcomed the members of the Association to Chattanooga. He then introduced Professor Homer C. Hockett of Ohio State University, president of the Association, who read a paper which he pleased to designate, "Little Essays on the Police Power."[1]

The fine weather of Thursday continued through Friday and Saturday. The program committee very wisely left Friday afternoon entirely open, that it might be devoted to places of interest in the vicinity of the city, which is described by the local Chamber of Commerce as the "scenic, historic, and industrial center of the South." The civic organizations of Chattanooga generously provided transportation, and all members of the Association were taken on a scenic and historical tour. A

[1] Published in the June, 1930, issue of this REVIEW. —Editor.

delightful afternoon was spent driving on Missionary Ridge, inspecting the battlefield of Chickamauga in Georgia, and making a trip up Lookout Mountain.

The session of Friday morning, was given over to a discussion of the question: "Was there reasonable probability that the election of Lincoln meant an attack upon the institution of slavery within the States?" Judging from the interest manifested in this session and in a somewhat similar session of the last meeting of the American Historical Association, scientific historians enjoy excursions into the realm beyond that of established fact. Can it be that, like the new biographers who delight in revealing men and women as "God knew them," not just as they were known by fellow mortals, historical scholars are finding a fascination in speculating on possible courses which history might have taken had events not transpired as they did? Be that as it may, the papers of Professor A. C. Cole and J. G. de Roulhac Hamilton which were attempts to answer the question stated at the opening of this paragraph were listened to with undisguised interest. A less formal discussion by Messers. C. W. Ramsdell (University of Texas), F. A. Shannon (Kansas Agricultural College), and Theodore Jack (Emory University) followed. The statements of all the speakers were characterized by frankness and detachment, with a marked absence of preconceived notions concerning the conditions that prevailed on the eve of the Civil War. In regard to many accepted notions relative to the history of the years just preceding that conflict, the writer of this report has long been out of harmony, and he was especially happy to note the open-minded attitude of those who heard this discussion.

There was no time left for volunteers after the regulars had spoken, but the chairman, Dr. Winfred T. Root of Iowa, who acted in the absence of Dean James A. James of Northwestern University, recognized Professor A. O. Craven of the University of Chicago. In a brief, forceful statement Mr. Craven not only voiced his own conceptions, but seemingly summed up the conclusions of most of those present, including the speakers of the session.

Mr. Cole after considering the evidence, concluded that there was no suggestion of an abolition menace from Lincoln in 1861.

The South scented danger in the exclusion of slavery from the territories. Slavery being limited by nature, what harm could be done it by laws of Congress prohibiting the institution in the territories? The truth is that southern honor was touched. Feelings were affected more than interests. The South was obsessed by an inferiority complex.

Mr. Hamilton pointed out that there was an undercurrent of direct opposition to slavery in the Republican policy of prohibiting it in the territories. The utterances of Republican politicians were deceptive as they did not voice this fundamental undercurrent. Lincoln had asked that the Supreme Court should decide the slavery question. Dissenting judges forced the matter pertaining to the Missouri restriction into the majority opinion in the Dred Scott Case, and then Republicans repudiated the decision. Lincoln never denounced the anti-slavery movement after 1854. He never opposed the personal liberty laws. The South had reason to distrust Lincoln when he became President. Had there been no secession, the Republican party would have been obliged to do something in order to survive. It could not have done anything for slavery. With no concessions and no protection, could secession have been avoided? This is an unanswerable question.

Mr. Ramsdell asserted that though there was no Republican program in regard to slavery in the states, this was not enough. Abolition sentiment was growing. The Republican party was able to control a majority of the presidential electors and a majority in the House. The future looked dark as to the Senate and Supreme Court. There was no certainty of secession till after the election. Lincoln refused to compromise. South Carolina seceded. Republicans refused to do anything to check the secession movement.

Mr. Shannon mentioned the inconsistencies in Lincoln's speeches. The South, at best, must be uncertain of him. Concerning his "house divided" utterance, the South could be sure that he was against that section, since if the Union became all alike it must become free. The South was an economic dependency of the North. Secession had been delayed too long already.

Mr. Craven declared that whatever might be said regarding the facts on either side there did exist a psychological condition

in each section that influenced enough people North and South to bring about the events that occurred. This was the fundamental factor in the situation.

After this most absorbing session came the complimentary luncheon tendered by the University of Chattanooga. Strangers as most of the members were to that institution of learning, they were taken in and fed and comforted. With President Hockett in the chair, the annual business session followed, and next the scenic tour already described.

The evening dinner on Friday was a function at which the East Tennessee Historical Society joined with the visiting Association. Judge John H. DeWitt of Nashville presided, and an address, "Andrew Johnson, Man of Courage," was given by George Fort Milton, editor of the Chattanooga *News*. Long interested in the career of Johnson, Mr. Milton demonstrated that he is a critical and painstaking investigator. His contribution was recognized as scholarly and his interpretation as keen and sound. It is hoped that the appearance of two recent biographies of Andrew Johnson will not discourage further study by Mr. Milton of the sturdy and daring leader from east Tennessee.

At the final session of Friday three papers relating to as many different phases of southern history were read. Judge Samuel C. Williams of Johnson City, Tennessee, who is the author of a *History of East Tennessee*, and who has recently brought out a new volume, *The History of West Tennessee*, was first on the program. The subject of his paper was "The Early History of the Tennessee River Valley." This study dealt with the Cherokee, traders on western waters, and royal governors of the Carolinas and Virginia in relation to the valley of the upper Tennessee.

Walter B. Posey of Birmingham College presented a paper on "The Influence of Cotton and Slavery upon Regulations of the Methodist Church in the Early South and Southwest." At the beginning, the Methodist Church in America was essentially anti-slavery in sentiment. As slavery acquired greater economic importance with the extension of cotton culture, the Church turned away from a policy of emancipation. In time slavery was not considered as an evil but as a positive good by southern

Methodists. The church divided in 1844, becoming the Methodist Episcopal Church North and the Methodist Episcopal Church South.

A paper by Frank J. Owsley of Vanderbilt University on "Why England Did Not Intervene in the Civil War," came last. The South expected England and France to intervene in behalf of the Confederacy because the factories of these countries must have raw cotton. Napoleon III was anxious to aid the South throughout the War. Why did King Cotton fail to rule? The best explanation is that the United States was buying war supplies from England, and paying with wheat. Whenever the buying decreased, England tended to turn her sympathies toward the South. British war-profiteers were powerful and used their influence to prevent intervention in favor of the South. They were willing to let the war go on indefinitely. India greatly increased her cotton output. Blockade runners bought ships from English shipyards. The South was able to exchange the cotton that was gotten through the blockade for munitions of war. British capital invested in ships was benefited by the rapid decline of the American merchant marine. American ships were sold to England to avoid destruction and America ceased to be a great competitor for the carrying trade. England made enormous profits out of the American war. Many laborers were thrown out of work on account of the blockade. The augmenting supply of cotton from India helped some to overcome unemployment in the textile industry, while an enhanced demand for labor in other lines caused the situation to improve. It was not necessary to extend greatly the expenditures for poor-relief. It was neither idealism nor fear of a wheat famine that caused Great Britain to fail the South, but rather war profits.

On Saturday forenoon, the conference of state historical societies and agencies convened at the appointed hour with Harlow Lindley, curator of history of the Ohio State Archaeological and Historical Society, acting as chairman. Superintendent Solon J. Buck of the Minnesota Historical Society outlined the history of the conference and stated certain concrete problems now engaging the attention of some of the members. Miss Louise P. Kellogg of the Wisconsin State Historical Society and president-elect of the Mississippi Valley Historical Association,

stressed the value of local historical agencies and the importance of giving more thoughtful attention to the problems connected with building up historical museums. The marking of historical sites and the erection of monuments was discussed by Mr. Buck. Miss Lutrell in charge of the McClung Collection in Knoxville gave a report concerning that material. Professor Knapp of the University of Kentucky explained the coöperative efforts of the educational institutions in and about Lexington in regard to indexing historical material. The conference closed with a general discussion participated in by a number of those present.

"The Teaching of History" was the topic before the session of the Association held at the University of Chattanooga which met simultaneously with the conference of state historical societies reported above. Mrs. Marguerite B. Hamer of the University of Tennessee presided. Three papers were included in the program: "Difficulties in the Teaching of History" by Fremont P. Wirth of Peabody Teachers' College; "Difficulties in the Social Studies," by Lena C. Van Bibber of the Towson Normal School; "Observations on the Teaching of History in the High School" by A. W. Troelstrup of the Hinsdale Township High School.

Mr. Wirth is engaged in a study of the difficulties that face history teachers in their classrooms. He is trying to discover the real conditions that prevail. On the basis of what he has learned from actual teachers, Mr. Wirth offered some suggestions for the improvement of college courses in the teaching of history. Teachers should be given more help in the organization of the material presented. They should be told less about how to teach and see more demonstration work. Teacher-training organizations should practice what they preach.

The difficulties confronting the teacher of the social studies are many, according to Miss Van Bibber. They include: inadequate equipment; the requirement to deal with a vast amount of unimportant information and small problems leaving too little time for things of great value; the necessity of teaching classes made up of students of varying grades of intelligence; present-day conditions outside of classrooms that over-stimulate the students; poor facilities for doing school work and poor

methods of study; lack of ability on the part of teachers to evaluate their own methods or new ones suggested to them; lack of time on the part of the teachers for reading and personal contact with members of classes.

The "observations" of Mr. Troelstrup related to the problem of caring for the needs of superior students in history classes. Too much of the teacher's time is given to poor students and to drill on subject-matter and not enough to the really competent student. The problem may be solved by permitting the superior student to follow his own bent, being careful to remove conditions that hamper him.

Professor A. C. Krey of the University of Minnesota is chairman of a committee that is conducting a nation-wide investigation of the teaching of the social studies. Before the close of this session, he took some time to explain the progress that has been made by his committee in the large and important work which it has in hand.

The registration at the meeting was up to the usual mark, perhaps larger than that in Vincennes a year earlier. Many of those who attended drove to Chattanooga, affording themselves the added pleasure of a motor trip through Tennessee mountains in the early springtime. Those who traveled by rail met with one disappointment — the number of certificates deposited was far less than the required number. This meant full fare for the homeward journey. Perhaps the railroads might induce more numbers to travel by train to Lexington, Kentucky, in 1931, should they offer to all in advance a rate of one fare and a half for the round trip. The present plan is not a success for either the members of the Association who avail themselves of train service, or for the railroads. Perhaps the automobile is the sole cause, but one would like to see the matter tested by a trial of the suggested plan at the time of the next annual meeting.

Report of the Secretary-Treasurer for the Year 1929-30

By Mrs. C. S. Paine [1]

It was voted to hold the twenty-third annual meeting of the Association in Chattanooga, Tennessee, upon the urgent invitations issued by the University of Chattanooga and civic organizations of the city. The President appointed for the program committee: Dr. James L. Sellers, Madison, Wis., chairman, Miss Ruth Higgins, W. F. Galpin, P. M. Hamer, and F. A. Shannon. Frank W. Prescott, of the University of Chattanooga, was appointed chairman of the committee on local arrangements, to be assisted by W. B. Hesseltine, Alexander Guerry, Z. C. Patten, E. Y. Chapin, George Fort Milton Jr., Miss Nora Crimmins, Mrs. Walter C. Johnson, Carter Lupton, John S. Fletcher, and Paul J. Kreusi.

The executive committee convened at 1:30 P.M., April 24, in Chattanooga, Professor Charles W. Ramsdell, chairman, presiding. The report of the Secretary-Treasurer was accepted and approved. Dr. Quaife reported progress upon the Index to the first fifteen volumes of the Review. It was voted that the necessary amount, tentatively estimated at $400.00, be allowed to complete the work. In this connection, Mrs. Paine stated that she had sent a preliminary announcement of the Index to the membership of the Association, and that more than three hundred orders have been received. An intensive campaign for orders when the Index is approaching completion will, no doubt, materially increase this number. It seems evident, therefore, that the Index will pay for itself and return to the treasury the money advanced for its preparation and printing.

Mr. Herbert A. Kellar submitted a report of the work done under his direction by the committee on historical manuscripts, and it was voted that $125.00 be allowed the committee to continue the work during the coming year.

Professor A. O. Craven, who had been appointed chairman of a committee to conduct a canvass for a managing editor of the Review, submitted a report of the work of his committee. Proffers to assume the cost of the editorship, which the Detroit

[1] The report, as printed, has been condensed from the more detailed report submitted by Mrs. Paine. — Editor.

Public Library is giving over, were received from the University of Chicago, Indiana University, the University of Iowa, and Western Reserve University. After full consideration of the situation, Professor Arthur C. Cole was elected to the office of managing editor in pursuance of the offer of Western Reserve University to afford him, at the expense of the University, all necessary help and other facilities that may be needful.

Invitations for the annual meeting of the Association in 1931 were presented by the Secretary from Kansas City, from Lexington, Kentucky, and from Cleveland. It was voted that the invitation from Lexington be accepted. Invitations to meet in Lincoln, Nebraska in 1932 and in Chicago in 1933 were read and placed on file.

Professor Arthur H. Hirsch was appointed a committee of one to report on a travel project at the next meeting of the Association.

At a subsequent session of the executive committee held at 6:00 P.M. on April 24, Professor Ramsdell was re-elected chairman for the coming year. Upon the recommendation of Professor S. J. Buck, chairman of the Alvord memorial committee, Professors James E. Willard of the University of Colorado, Clarence E. Carter of Miami University, and Arthur M. Schlesinger of Harvard University were elected to the committee for a term of three years. It was voted as a recommendation to the finance committee that the sum of $1,000.00 be retired from the current funds for investment, if in the judgment of the finance committee this procedure is practicable.

At the meeting of the finance committee on April 25 at 10:00 P.M., it was voted that $125.00 be allowed the committee on historical manuscripts, as recommended by the executive committee; and that $50.00 be appropriated for the membership committee with the understanding that an additional appropriation may be made later if necessary. It was further voted that the commission to the Secretary on the sale of books and on the dues of new members, hitherto in force, be discontinued; and that her allowance for clerical labor be increased from $780.00 to $1,200.00 yearly.

The annual business session of the Association was called to order at 1:00 P.M. on April 25 by Professor Homer C. Hockett,

president. The report of the Secretary-Treasurer was presented. Dr. James L. Sellers who had been appointed to audit the report reported that the financial statement had been prepared by a certified public accountant and was found to be correct. Upon the receipt of Dr. Sellers report the report of the Secretary-Treasurer was approved and ordered placed on file.

Professor S. J. Buck, chairman of the Alvord memorial committee, presented a somewhat extensive report of the year's work together with a detailed statement of subscriptions made and collected and expenses incurred. The principal work of the committee thus far has been concerned with the raising of the proposed fund of $10,000.00 to be used as a revolving fund for the publication of documentary material relating to the Mississippi Valley. Fifty-seven subscriptions have been secured for a total amount of $3,735.00. The subscriptions range from $2.00 to $1,000.00. All but three are from individuals. Of the amount subscribed, the sum of $2,007.50 has been collected, and in addition the committee holds the note of a subscriber in the amount of $1,000.00 payable in November, 1930. Deducting expenses incurred to date, the cash on hand amounts to $1,916.70

Dr. Sellers who was appointed to serve as auditor reported that he had examined Professor Buck's financial statement and found it to be correct. The report was accepted and ordered placed on file.

Professor E. M. Coulter, chairman of the nominating committee, submitted the following: for President, Dr. Louise P. Kellogg; for Secretary-Treasurer, Mrs. C. S. Paine; for members of the executive committee for three years: Professor John D. Oliver, Dr. James L. Sellers, Professor W. T. Root. There being no other nominations, it was voted that the rules be suspended and the President instructed to cast the ballot of the Association for the persons named.

At the meeting of the teachers' section, held on Saturday, April 26, Professor Charles Knapp of the University of Kentucky, and Fremont P. Wirth of Peabody Teachers' College, were elected members of the executive committee of the teachers' section for a term of three years.

The report of Mrs. Paine to the Association disclosed that 57 new members have been received during the year; 25 have can-

celed their membership; 17 have been dropped for non-payment of dues; 8 have been reported deceased. The total membership of the Association is 916; 438 of whom are annual members, 419 library members, 37 life members, and 22 exchange.

The financial report of the Secretary-Treasurer for the year ending April 1, 1930 which has been alluded to above, is as follows:

Cash Balance, April 1, 1929		$3,207.28
Receipts, April 1, 1929-April 1, 1930:		
Library membership fees	$1,990.00	
Sustaining membership fees	1,907.25	
Book sales	591.10	
Guarantee for printing publications	750.00	
Dues of new members	280.00	
Miscellaneous receipts	76.50	
Interest	164.55	
Total receipts		5,759.40
Total to be accounted for		$8,966 68
Disbursements:		
Publications	$3,061.95	
Clerical salary	780.00	
Postage	168.28	
Commission on book sales and new members	411.29	
Miscellaneous printing	230.97	
Office expense	29.50	
Freight and drayage	34.60	
Editorial office	104.97 [2]	
Index	350.00	
Travel expense	79.11	
Historical manuscripts committee	125.00	
Total disbursements	$5,375.67	
Investment	2,040.75	

[2] The actual expense of the editorial office for the year reported on was $64.97, there being a balance of $40.00 in the Editor's petty cash fund on April 1, 1930. — Editor.

Total disbursements and investment .		7,416.42
Balance on hand, April 1, 1930 . .		$1,550.26

Analysis of Balance

Cash balance in checking account, April 1, 1930 .	$1,664.17	
Less four outstanding checks	221.62	
		1,442.55
Savings account balance	97.71	
Cash on hand	10.00	
		107.71
Total cash on hand, April 1, 1930 .		$1,550.26

BOOK REVIEWS

Filson's Kentucke: A Facsimile Reproduction of the Original Wilmington Edition of 1784, with Paged Critique, Sketch of Filson's Life, and Bibliography. By Willard Rouse Jillson. Filson Club Publications, No. 35. (Louisville: John P. Morton and Company, 1929. x+198 pp. Maps.)

The appearance of a facsimile reproduction of the first edition of *The Discovery, Settlement and present State of Kentucke*: . . . . By John Filson, Wilmington, 1784, is an event of importance to all students of Kentucky history. Filson's famous book, *accompanied by the map*, is one of the rarest pieces of Americana, there being less than a dozen known copies. It has been a collector's item for generations.

In the present volume, one finds, as the frontispiece, a halftone reproduction of the Filson map, reduced in size; a reproduction of the Filson text, including the Appendix; a critical study of the text, page by page; a brief biographical sketch of John Filson; an annotated bibliography; an appendix containing a letter from Colonel Lawrence Martin, in which he gives the results of his study of the several issues, editions, and facsimiles of Filson's *This Map of Kentucke. . .* ; an index to the map; and lastly a full-size reproduction of the map, folded and lying loose in the volume, suggesting that in the years to come, it, too, may be found missing from the text which it was intended to accompany.

The text has been taken from parts of two copies of the first edition of Filson's work in the possession of the Filson Club and Judge Samuel M. Wilson. It has been reproduced from zinc-line plates, an old process of relief printing which is most unsatisfactory, and does not reproduce exactly the original type as does the more modern collotype process. That the reproduction is not perfect is acknowledged by Mr. Jillson who calls attention to the loss of the letter "n" in the twelfth line on page 33. A half-title page, dividing the text of the original volume from the supplementary material, and giving a new pagination from there on would have been an improvement.

The full-size facsimile reproduction of the Filson map was made by lithographic process from the original in the possession of Mr. Jillson. It is undated, but the original is said by the owner to be a duplicate of the copy in the Library of Congress except for the date 1784 which appears below the lower neat-line on the latter. Colonel Martin identi-

fies the Jillson copy as the first of *four editions* in which the map was issued. According to him the second edition is represented by the Library of Congress copy which bears the date 1784 below the lower neatline; the third edition by the Madrid copy which differs in latitude from the Library of Congress copy; and the fourth edition by the Harvard University copy which shows a dashed-line trail near the eastern margin of the map extending from the Ohio River at "Old Shawane Town" to the "Warrior's Path" just south of the letters "L" and "N" in the name of Lincoln County. The probabilities are that all of these maps were engraved from *one plate*, which was altered as additional knowledge of the geography of Kentucky was acquired; but it is impossible to draw final conclusions on this point from facsimile reproductions as the facsimiles are not always accurate in every detail. It is safe to say that the Filson map exists in *four states*.

Colonel Martin lists also two manuscript copies of the map which are of "respectable antiquity." To this number the reviewer is able to add a hitherto unrecorded copy in the Public Record Office of Great Britain. It was executed prior to August 27, 1789, when it was transmitted by Lord Dorchester of Canada to his government in England together with a manuscript entitled: "Observations upon the Colony of Kentucky." It bears the name, "Wm Hall," in the lower left corner, a fact which relates it to the manuscript copy in the Huntington Library. P. Lee Phillips quotes the auction catalog of the library of A. S. Manson as saying that the copy now in the Huntington Library is signed in the lower corner "W. Hall," a person whom Phillips was inclined to consider as only a copyist of one of the engraved maps. The copy in the Public Record Office is distinguished, also, by the presence of the dashed-line trail near the eastern margin of the map extending from the Ohio River at "Old Shawane Town" to the "Warrior's Path."

There is another Filson map, in manuscript, in the Gunther Collection of the Chicago Historical Society. The place names and inscription on this map are in a script that bears a striking resemblance to a letter of Filson given in facsimile in Colonel Durrett's *John Filson, the First Historian of Kentucky*. However, Mr. Victor H. Paltsits thinks that the map and the letter reproduced by Colonel Durrett could not have been executed by the same hand. Colonel Durrett himself, in a letter to Phileas Gagnon of Quebec, dated January 3, 1899, wrote as follows concerning this map: "It is difficult to form an opinion as to the genuineness of your manuscript map from the photograph, reduced in size as it is, and with parts imperfectly taken. I hope you have the original manuscript, and if so, you have quite a valuable antiquity."

The Gunther copy bears the figure 39, for latitude, in the upper right margin of the map between the forks of the Ohio River and the "Gr[t] Sandy C," as does the Madrid copy.

It is to be regretted that Mr. Jillson's book does not give the present location and provenance of the known copies of the Filson map. No mention is made of the Hoe-De Puy copy which was owned by the late Herschel V. Jones, nor of the acquisition by the John Carter Brown Library of the copy formerly in the Clements Library. The copy listed in the Church catalog as being in possession of the Library Company of Philadelphia is believed now to be a modern reprint, according to a statement of David C. Knoblauch, acting librarian. It is hoped that eventually the map which was removed from the copy of Filson's work, that Colonel Durrett presented to the Public Library of Louisville, Kentucky, prior to 1882, may be located and identified.

It is noteworthy that three engraved copies, and one manuscript copy of the Filson map were preserved to posterity through their having been sent to Europe. The Harvard University copy, which was acquired in 1817, was in the possession of Professor Christoph D. Ebeling, of Hamburg, Germany, as early as 1798. The John Carter Brown Library copy was purchased by Mr. William L. Clements from a dealer in London. The Madrid copy was sent by a representative of Spain in the United States to the Spanish Foreign Office in the eighteenth century, while the manuscript copy in the Public Record Office of Great Britain reached that depository in similar manner, as has been related.

The appearance of Mr. Jillson's book raises the question as to the priority of issue of the editions of Colonel Durrett's *John Filson, the First Historian of Kentucky*, Filson Club Publication No. 1. Mr. Jillson regards the Louisville edition as a reprint of the Cincinnati edition. The probability is that when the Filson Club edition was struck off for the exclusive use of its members, extra copies also were printed for sale to others, and the latter were sold through Robert Clark and Company, booksellers of Cincinnati, whose imprint they bear.

The statement that Filson was born in 1747 is doubtful and apparently based upon Colonel Durrett's assumption, which he derived from improbabilities (*op. cit.*, 9).

A valuable feature of the book is the "Paged Critique," coming as it does from the State Geologist of Kentucky. Mr. Jillson is to be commended for his work, particularly for having made his copy of Filson's map available in facsimile to everyone.

MABEL CLARE WEAKS

Beginnings of West Tennessee in the Land of the Chickasaws, 1541-1841. By Samuel Cole Williams. (Johnson City, Tennessee: The Watauga Press, 1930. xii+331 pp. Maps and Illustrations. $4.50.)

In 1923 Judge Samuel Cole Williams published his first study on Tennessee history, *William Tatham*; the same year he published his *History of Courts of Chancery of Tennessee*; in 1924 he published his *History of the Lost State of Franklin*; in 1927, *The Memoirs of Lieutenant Henry Timberlake*; in 1928, the *Early Travels in the Tennessee Country*; in 1930, he edited the *History of the Indians* by Adair and published *The Beginnings of West Tennessee*. Seven books in seven years is a heavy record for any serious writer and especially when all the books are based upon careful and judicious research and critical weighing of evidence. There are few states which are so fortunate as Tennessee in the possession of an able scholar whose whole time and thought are devoted to the study of local history. Judge Williams, moreover, carries into his study of local history a rich and well-balanced knowledge of American history which gives perspective and proportion to his productions. It is this particular quality that gives his writings importance in the eyes of scholars and readers interested in broader and more general aspects of history. Through such work as the *Lost State of Franklin* or the *Beginnings of West Tennessee* one has the rare opportunity of getting down to the bedrock of history. It is through the study of such books as these of Williams that one can understand the generalizations of Turner, Paxson, and other historians and interpreters of frontier history.

In his *Beginnings of West Tennessee*, Williams has based his work upon a wide store of authorities, both primary and secondary. Especially has he made use of manuscript collections, both in public and in private hands. It is in the use of the latter type of material that he is making his greatest contribution. Not all of his book will be of interest to the general reader, but on the other hand all matter which may be taken as typical of the West or the South at certain periods will be of interest and of great value. The acquisition of West Tennessee under the overwhelming pressure of a land-hungry people is a very illuminating phase, especially when correlated with those portions of the book treating of the founding of Memphis, the North Carolina land claims in this region, and the cotton and slavery questions. The treaty of 1818 by which the lands lying between the Tennessee River and the Mississippi were ceded by the Chickasaw Indians is one of the most typical Indian land deals that could be picked out. It also is illustrative of the motives which prompted even the best men to undertake certain public offices supposedly in the interest of the people. The two men selected by the

federal government to negotiate with the Indians were Andrew Jackson, fresh from the conquest of the Creeks, the Seminole, and the British, and old Isaac Shelby, ex-governor of Kentucky. Jackson showed what Shelby considered an undue eagerness to pay the Chickasaw their own price, $300,000. This money went largely into the hands of the chiefs who had been bribed by the commissioners, and it immediately transpired that Andrew Jackson, who had ridden old John Sevier so hard in former days about land manipulations and speculations when in a position of trust, was heavily interested in this new acquisition, for it was Jackson, Overton, and the Winchesters who presently founded Memphis in this territory on lands they had already acquired.

Another feature closely related to this deal was the North Carolina claims. When North Carolina ceded Tennessee to the federal government, it retained the right of completing the title to all lands which had been granted by warrant to its Revolutionary soldiers in that state. North Carolina had thus exploited the other portions of Tennessee, and it now rushed into this new field with renewed energy. The University of North Carolina, to which the state had ceded escheated warrants, sent agents to represent it in Tennessee. So state, University, and individuals swarmed in the legislative halls and lobbied their bills through — for the Tennessee legislature had to approve the North Carolina warrants — with the result that North Carolina and North Carolinians acquired the greater portion of the West Tennessee lands. One is simply astounded at the universal land speculation and lobbying and wire pulling that went on in these pioneer days when land was the only source of wealth in the West. No one seems to have escaped.

A feature of general interest is the treatment given to migration and settlement in the new region. One gets at the personal motives of the settlers as the author takes up individuals and studies their particular case. Hard times in the eastern states, rich cheap lands, and cotton easily grown in West Tennessee caused men to rush to the frontier. One sees in this process large slave owners, small farmers, and the landless swarming in together. In this conection one discovers that the large planter did not crowd out the small farmer, but that, on the contrary, the small farmers were very numerous, despite the fact that the region was preëminently fitted for the large plantation. It makes one doubt that the small farmer was crowded out from the black belts to the extent generally supposed. Another very illuminating thing disclosed in this book in connection with agriculture and slaves was that the development of the plantation was frequently carried on without the aid of slaves; that tenant farmers, just as today in the South, cleared and cultivated the lands.

The book is in excellent print, has a splendid bibliography, good index, and some excellent maps.

FRANK L. OWSLEY

Wolfe and North America. By Lieutenant Colonel F. E. Whitton. (Boston: Little, Brown, and Company, 1929. 322 pp. Illustrations. $4.)

The victory on the Heights of Abraham was the culmination "of one of the most important campaigns in English History" (p. 227), and terminated a struggle that had been waged intermittently in Europe and North America over a period of one hundred and fifty years. In the forefront of the battle the two leaders, Wolfe and Montcalm, epitomizing the best on either side, gave up their lives and passed into history "in a miasma of inaccurate thought" that gave to them both immortality and "from which emanated the Wolfe legend" (p. 302).

The author believes that "as a result of a combination of ignorance of actual facts and of a kind of mental slovenliness . . . there arose a tendency to exalt the work achieved by Wolfe at the expense . . . of others." The capture of Quebec is seen only as "an incident complete in itself — definite, understandable, clearcut . . ," but still only an incident in a greater struggle. Wolfe was not "the Conqueror of Canada," but rather a subordinate of more than ordinary ability who accomplished his assignment "in circumstances of unexpected difficulty." The final victory was achieved by a harmonious coöperation and coördination between statesmen, sailors, and soldiers "of a kind until then unique and unparalleled in the history of England" (p. 302-303).

The work under consideration is more a military history of the struggle for Canada than a biography of Wolfe. It provides, adequately, the background and the setting that permit a true appreciation of the significance of Wolfe's contribution and achievement. The story of Wolfe's career, however, though told with necessary completeness, is a framework on which to hang the larger discussion.

The book begins with a discussion of the nineteenth-century relations of France and England in North America. Their different modes of colonization and government are illustrated by the fact that the French lived by the fur trade and for this required free range and indefinite space; in the English colonies agriculture played the important part, and for this reason the tendency was first to take firm root and then to spread out gradually (p. 46). Canada was administered from Versailles; the English colonies, within limits, were self-governing. The result was "union confronting division; energy confronting apathy; military centralization opposed to industrial democracy, with the advantage for a time all on one side" (pp. 98, 102). Once aroused, however, the Eng-

lish colonists acted with what seemed a stubborn persistence and it was their military worth at the first siege of Louisbourg in 1745 that was decisive (p. 119). There is also an extended discussion of the causes and conduct of the Seven Years' War, in which struggle Wolfe contributed decisively to the final result.

Not much is known of Wolfe's early career. He entered the army and participated in active campaigning at the age of fifteen. From the first he displayed a keen professional interest and his "professional ideals were very high" (p. 150), but he did not rise unaided. In fact, several years after he joined the army he wrote: "If I rise at all it will most probably be by means of my father's pocket-book"(p. 135). This support, together with his application and the interest of the Duke of Cumberland and later also of Willian Pitt, enabled him to advance rapidly in an age when to arrive in a position of high command without any influence and assistance, except merit, simply was out of the question. Wolfe was diligent in study and temperate in habits in an age of sloth and intemperance, though all his life he suffered ill health, and had he not fallen in battle he would probably early have been stricken down by disease.

Wolfe gained experience and some fame as well as the favorable notice of Pitt by his conduct in the unfortunate Rochefort expedition of 1757. In the following year, by his conduct in the second expedition against Louisbourg, Wolfe so distinguished himself as to cause Pitt to select him to command the expedition for the attack on Quebec. His choice came as a surprise to many. Wolfe preferred station in Germany with the cavalry, but, as he remarked to a friend: "It is my fortune to be cursed with American service." Notwithstanding his aversion to such service, he accepted the assignment. In the meanwhile Sir Jeffrey Amherst, the British Commander-in-Chief in North America, set to work with a will to preparing Wolfe's army with the result that "no expedition was ever better equipped than that which Wolfe eventually found at his disposal" (p. 240). He "had an important game to win, but he held some very good cards" for, as he wrote, "Montcalm is at the head of a great number of bad soldiers and I am at the head of a small number of good ones" (pp. 240, 268). After several months of fruitless effort to take Quebec from the east, Wolfe, against the advice of his subordinate commanders, conceived a plan to go above the city, land, and get onto the Heights of Abraham. He was successful in carrying out his manoeuvre and because of the surprise of his attack was able to beat the French army in detail. He took great risks, losing his life in the effort, but the immediate fall of Quebec resulted.

Throughout the narrative the importance of sea power is emphasized.

Without the effective and whole-hearted coöperation of the navy, the capture either of Louisbourg or of Quebec would not have been possible. In the final analysis, it is the author's belief "that the destiny of Canada was decided amid the shoals of Quiberon no less than upon the Heights of Abraham" (pp. 4, 289), because the former event destroyed French sea power and insured that there would be no diplomatic trading at the peace conference. Aside from the excellent summary of the relations of France and England in North America, the author's more important contribution is the emphasis placed upon the decisive part played by naval coöperation and protection and also the insistence that Wolfe did not play a lone hand, but rather that his expedition was only one of several simultaneous efforts all conducted under the skilled and effective supervision of Sir Jeffrey Amherst (p. 303).

Although the publisher describes this book as "the most authoritative and best documented life" of Wolfe, there are no footnotes nor is there any bibliography. There are an index, a number of photographs, and several useful maps, but there is no preface. There are no typographical errors worth mentioning, the style is smooth, and the book is easy to read.

THOMAS ROBSON HAY

The Great Awakening in Virginia, 1740-1790. By Wesley M. Gewehr. (Durham: Duke University Press, 1930. 292 pp. Illustrations. $4.)

The relation between revivals of personal piety and the rise of democratic institutions has not always been noted by historians, at least not by those of hyper-secular tastes. It is therefore refreshing to pick up a volume — one of an increasing number in these days — which frankly deals with religious materials, and places a great moral awakening in causal relationship to political and social revolution. In his *The Great Awakening in Virginia, 1740-1790*, Dr. Wesley M. Gewehr has come to the conclusion that the people of the Old Dominion, by participating in a religious reaction which brought the popular Presbyterian, Baptist, and Methodist churches into prominence, at the same time developed a leadership and a rank and file for the war of 1776. Arbitrary authority and indifferent formalism have never appealed to the restless, practical American spirit; and so the desire to participate in all matters affecting personal welfare here and hereafter evidenced itself in more than one way in the later colonial period.

In his book Dr. Gewehr endeavors to present a complete picture of that portion of the eighteenth-century revival which centered in Virginia in the period leading up to the establishment of our constitutional government. At the outset he introduces the reader to the Awakening in its larger phases, suggesting something of its spread in the colonies.

The resistance of conventional religion to environmental pressures is clearly set forth, a maladjustment which caused the appearance of new religious personalities and the strengthening of religious sects of a type certain to overturn the existing order. The spread of the revival in Virginia is brought into relation to the social class system of the time; and not the least of the attractions of the book is the picturing of life in the old colony before the Revolutionary War.

The failure of the Established Church to function in things spiritual is thrown in sharp relief through exhibiting the energy of such exceptional Anglicans as Devereux Jarratt, and the activity of the socially adapted sects which made the most of religious spontaneity in the back country. It is shown that it was a kind of religious revolt which swept Virginia on the eve of political and social revolution. Racial and traditional factors are not overlooked in Dr. Gewehr's study, for the English Cavaliers of the tidewater and the Scotch-Irish farmers to the west of them exhibit traits traceable, in part, to their social, economic, and religious differences in the Old World. To the Presbyterians and Baptists is credited much of the support given to the Revolution by religious partisans, for these had borne the brunt of the hardships incident to the social revolution in eighteenth-century Virginia. The counter-awakening of Anglicanism under the auspices of Devereux Jarratt and his Methodist co-laborers was of benefit to the Established Church only locally and was begun too late to save Anglicanism from being discredited, along with all things British, on the eve of the war. In fact, it is pointed out that Methodism fell heir to most of the fruits of the preceding revivals — those of the Presbyterians, the Baptists, and of Mr. Jarratt — for it was in the stirring days of the early seventies that the Methodists got under headway in the colony. Dr. Gewehr explains Methodist ascendency from this point forward by the peculiarly fortunate technique, the flexible and efficient system of organization, and the experimential approach to religion of this sect — so uniquely adapted to the situation and demands of the time and place.

The closing chapters of Dr. Gewehr's book deal with outcomes; and after reading the narrative up to this point one hardly feels that he has overdrawn the permanent significance of the Great Awakening in its assistance in bringing about the rise of democracy, political liberty, self-government, lay leadership, religious freedom, toleration, and common-sense liberalism in the colony and state of Thomas Jefferson. The movement is also brought into relation to the founding of colleges and the institution of reform, notably anti-slavery, for it was the three popular denominations which led in these enterprises. The social-caste system itself passed out of vogue before the revolutionary temper which the

Awakening helped to foster. Virginia society was never the same after the late-eighteenth century.

By the researcher Dr. Gewehr's book will be appreciated for its careful documentation and its ample bibliography; by the student of religion for its reverent and appreciative presentation of religious phenomena; by members of our leading democratic churches for its evidence of the indispensable part played by these leavening agencies in our early national career; by the sociologist for its exhibition of the interplay of social forces in the working of transformations in society; and by the historian as a commendable attempt to give more than the customary importance to religion as a dominating factor in human history.

MERRILL E. GADDIS

Seed of Liberty: The Story of the American Colonies. By E. Keble Chatterton. (Indianapolis: Bobbs-Merrill Company, 1929. 356 pp. Illustrations. $5.)

The first chapter in the work contains an exceptionally able discussion of maritime achievement in the 15th century. Following this we have here a gossipy narrative of American discovery and colonization such as Pepys might have jotted down in his diary, week by week. The author gives one the impression of being a witness of the events and of knowing in a more or less friendly fashion the adventurers, sea captains, and merchant princes of this period of English history. The little becomes large, the salient points in the life of the nation are reduced to the same scale as those of minor importance. For example, more space is given to the question of whether Pocahontas saved the life of Captain John Smith than is spent in telling of the famous Spanish Armada. We are treated to all the gossip of the two decades from the founding of Jamestown to the making of Virginia into a royal colony, but the significant Puritan experiment of the first representative assembly seems to have escaped the author completely.

The same method persists in later chapters. The meaning of the first period of Stuart tyranny for New England is hardly hinted at, but we are told in abundant detail what the Winthrops and the Winslows did and said, with much else to the same effect as concerns their contemporaries. How New England got her population and who they really were, the reader is left to guess. The contest in Virginia between Bacon and Berkeley is told in vivid fashion but how Bacon and his thirty thousand other middle-class Englishmen came to be in Virginia is not even hinted at. The very readable account the author gives of this period of Colonial history thus takes on an air of unreality. He busies himself with trifles and the petty routine of official life in the midst of stirring

events that are to leave a permanent imprint on the character of American institutions.

In the closing chapter the author abruptly changes his method and style. Here we have given in pithy comment and terse phrase an excellent summary of the course of the conflict immediately preceding the American Revolution. Such phrases as these occur: "It is pathetic to watch British common-sense sliding down the slippery colonial path to destruction." "America by about 1763 was not merely a number of plantations but a new people." "So called statesmen in England could not see that the times had changed since the Middle Ages."

We miss such adequate treatment of essentials in the earlier story of Virginia and New England. In no part of the work is this lack more noticeable than in the treatment of Champlain's contribution to American history. While he was undoubtedly one of the very greatest explorers of the interior of the American continent, we are given no hint of what he accomplished in opening the Mississippi Valley to French enterprise or of his basic work in establishing the fur trade of the Northwest.

ORIN G. LIBBY

Calendar of State Papers, Colonial Series, America and West Indies, August, 1714-December, 1715, Preserved in the Public Record Office. Edited by Cecil Headlam. (London: His Majesty's Stationery Office, 1928. xlvii+435 pp.)

The contents of this volume, which covers seventeen months, are mostly concerned with the problems arising out of the peace of Utrecht. The problems were in general of two kinds: those of territorial adjustments, and of administrative reorganization after a quarter century of intermittent warfare. The Hudson's Bay area, the Newfoundland fisheries, and St. Christopher's all came in for considerable attention. The jealousy of the French and Spanish in the West Indies, and of the French alone at Cape Breton and Newfoundland was very pronounced.

The question of imperial control was thrown into bold relief by the Yamasee War along the southern frontier, which bears the same relation to the War of the Spanish Succession as Pontiac's Conspiracy to the Seven Years' War, and for a season appeared fully as dangerous with the possibility of organized action of the Indian tribes fomented by the French and Spanish. It is clear, however, from letters here printed that the outbreak in South Carolina was due quite as much to the exploitation of the Indians by unscrupulous British traders, as to the machinations of French and Spanish agents. The letters of Governor Spotswood of Virginia indicate the difficulties of intercolonial coöpera-

tion even in the face of this crisis which threatened the existence of the Carolinas.

The war in Europe, moreover, had served to increase the demands in Britain for greater self-sufficiency. This brought about greater attention to the production of naval supplies within the Empire rather than drawing them from the Baltic, which raised the questions of the proper care of the Palatines in New York and of the forests of New England. The Board of Trade, whose importance was increasing in this period, was likewise interested in the development of the Newfoundland fisheries as a nursery for seamen. The continual struggle of the colonial assemblies against their governors is beautifully exemplified in both Jamaica and New York. Read by itself this volume would indicate a growing demand for a greater imperial supervision.

The Introduction is an admirable example of compactness and comprehensiveness. The editing and the proof-reading are exceptionally well done. Only one slight typographical error was noted. The reference on p. ix, line 5 should be No. 2 instead of No. 12. The body of the book contains 361 pages (724 items). The Index of 94 pages is all that an index should be. In reading this volume the reviewer felt that it was a mistake to separate the *Journal* of the Board of Trade from the *Calendars Colonial*. Satisfactory as these last have been in recent years, they would be still better with more marginal annotations indicating the place of origin of all the letters, while a greater number of footnotes would make us still more indebted to the expert knowledge of the editor, Mr. Cecil Headlam.

W. T. MORGAN

Washakie: An Account of Indian Resistance of the Covered Wagon and Union Pacific Railroad Invasions of their Territory. By Grace Raymond Hebard. (Cleveland: Arthur H. Clark Company, 1930. 337 pp. Illustrations. $6.)

The life of Washakie, Shoshoni chief, spanned the nineteenth century. It encompassed the conquest of the West from the days of the earliest fur traders in the Rocky Mountains to the founding of white man cities on the diminished Indian reservations. Chief Washakie, like Chief Ouray of the Utes, though a leader and champion of his own race, was a constant friend of the whites. Both saw the folly of Indian resistance and endeavored to maintain peace and to bring their people to the white man's manner of life.

By extended researches Dr. Hebard has gathered much data not only upon the career of Washakie, but upon the early history of Shoshonean land — embracing present Wyoming and parts of Montana, Idaho, and

Utah. In addition to consulting the various government documents and the standard western historical sources, she has through numerous interviews and widespread correspondence obtained impressions of Washakie from intimate associates of the chief and his people.

The volume is not confined to the biography of the Shoshoni leader, but presents the general drama of western development in which Washakie was but one of the actors. The first chapter is devoted to the story of the Shoshoni gathered from the reports of Lewis and Clark, Hunt's Astorians, and some of the early fur traders. It is not until 1840, in the journal of Osborne Russell, that Washakie appears definitely in historical writing. For the ensuing sixty years he was the "benevolent despot" of the Shoshoni nation. He won his leadership through fearlessness and skill as a warrior; he maintained it through wisdom and character.

With the early fur traders Washakie and his Shoshoni maintained peaceful relations and when the emigrants trekked "the white-topped wagon road," friendliness continued. Washakie attended the great Fort Laramie Treaty Council of 1851, and signed the treaty at Fort Bridger in 1863. Then when the Union Pacific nosed westward on the tracks of the covered wagon, Washakie looked about for a land off the beaten path of the whites, where his people could be secure. He chose the Wind River Valley and the Treaty of July 3, 1868, set apart this region for the Shoshoni's permanent home. Washakie was induced to share the land with the northern Arapahoes. By three subsequent treaties the extent of the reservation was reduced to its present area.

When the Sioux difficulties arose in the seventies Washakie and his Shoshoni enlisted with the whites to fight the hostiles. In the battle on the Rosebud, June 17, 1876, they played a conspicuous part. It was Washakie's wisdom and strategy in this engagement, says Dr. Hebard, that saved General Crook from the fate that befell Custer eight days later on the Little Big Horn.

The personal and intimate data on Washakie are most engaging. The various letters and reports assembled by the author are in close agreement upon the character, ability, and appearance of Washakie. He was uniformly held in high esteem. His presence was commanding, his appearance usually impressive. A number of observers noted the likeness of his profile to that of Washington. Said Colonel Hardin: "He looked like George Washington in bronze, was dignified and always most friendly." After the Crook campaign President Grant had a handsome saddle sent to the chief as a recognition of his services. Upon its presentation the Indian agent asked Washakie to say something in response, but the chief was overcome with emotion. Finally, he responded: "When a

favor is shown a Frenchman he feels it in his head and his tongue speaks. When a kindness is shown to an Indian he feels it in his heart, and the heart has no tongue. I have spoken." On one occasion, when told that the boundary lines were determined by longitude and latitude, or marked by the stars, he commented: "I hope the time will come when, by and by, we all will be together in the stars, but for the present give me a home bounded only by mountains and rivers."

Following the biographical and historical narrative is a chapter devoted to a general treatment of some of the ceremonies and customs of the Shoshoni.

Looking at the book closely one might note some minor criticisms. The sub-title is rather misleading and inappropriate in view of the almost uniform friendliness of Washakie and his people. Some chapter titles are misleading. The first, "Sixty Years an Unchallenged Chief," is devoted to the Shoshoni before Washakie appears. The data on the discovery of gold and the mining activity in the southern portion of the Shoshoni reservation are presented in the chapter on "The Great Treaty of July 3, 1868," while the succeeding chapter, which does not include a treatment of mining, is entitled, "Camp Brown, Discovery of Gold, and Indian Warfare on the Shoshone Reservation." The chapter on "Fort Washakie" contains a discussion of Washakie's character that would have gone more appropriately in the preceding chapter. The Bates battle of 1874 is twice referred to (pp. 152, 183) but we find no discussion of the battle nor of Washakie's part in it. The historical material in the volume is good, but better organization in places would have made the treatment more effective.

The volume is excellently illustrated. Seven especially drawn maps and twenty-two photographic reproductions enliven the text. The book is produced in that excellent format that historical scholars have come to take as a matter of course from the Arthur H. Clark Company.

Dr. Hebard has produced a book of great merit. She has assembled valuable information on a region heretofore neglected in historical writing. Through her industry and persistence much original source material has been gathered and is now made available. Persons interested in the history and romance of the West will be grateful for Dr. Hebard's latest work.

LEROY R. HAFEN

Uncle Sam's Camels, The Journal of May Humphreys Stacey, Supplemented by the Report of Edward Fitzgerald Beale (1857-1858). Edited by Lewis Burt Lesley. (Cambridge: Harvard University Press, 1929. 298 pp. Frontispiece and map. $4.)

While Secretary of War in Pierce's Cabinet, Jefferson Davis conceived

the idea of importing camels for military purposes into the arid regions of the Southwest. In 1855 Congress appropriated $30,000 for the experiment, and D. D. Porter and H. C. Wayne were sent to the Levant in a government vessel to obtain a supply of the beasts. By February, 1857, two cargoes of camels had been landed at Indianola, Texas; and John B. Floyd, who had succeeded Davis as Secretary of War, appointed Lieutenant Edward Fitzgerald Beale to make a survey for a wagon road along the 35th parallel from Fort Defiance in New Mexico to the Colorado River, at the same time testing the fitness of camels as beasts of burden on the deserts of the southwest. Beale enlisted as a member of his party May Humphreys Stacey, a young man of nineteen, from Beale's old home town of Chester, Pennsylvania. Stacey kept a day-by-day journal of his experiences, observations, and impressions from his departure from Chester, May 12, 1857, until the expedition reached its destination at the Colorado River on October 21, 1857. The printing of this journal for the first time, thus making it available to the historical scholar and the general reader, is the chief justification for the publication of this volume.

The work is divided into four parts. Part I (pp. 3-17), "The Organization of the Camel Brigade," briefly sketches the above background of the expedition and serves as an introduction to Stacey's journal.

Part II (pp. 21-116), the kernel of the volume, gives in extenso the journal of May Humphreys Stacey, with copious editorial notes drawn mainly from Beale's report of the expedition, where the journal and the report run parallel. One easily follows young Stacey in the journal from Chester to Pittsburgh by rail, thence by water via New Orleans and Galveston to Indianola, and overland to San Antonio, from which point the expedition made its start to the Colorado River on June 25, 1857. The journal then vividly portrays the trials and hardships of the expedition as it moved slowly across Texas to the Rio Grande, along the valley of that river to Albuquerque, New Mexico, and then across the plains through the Zuni and Navajo regions to the land of the Mojave on the Colorado, which was its destination.

Although one of the youngest members of the expedition, Stacey appears to have been one of Beale's most trusted men. The jottings in the journal, when compared with Beale's report where the two narratives run parallel, reveal young Stacey as a keen observer and an accurate recorder of his observations and impressions. In perusing the journal one is forcibly impressed with the hazards of travel in the United States of the 1850's, especially in the largely unexplored regions of the Southwest.

Part III (pp. 119-36), "The Camel Dispersion," gives in brief com-

pass about all that is known of the subsequent history of the camels used on Beale's expedition. It also gives a good account of the use of other camels as beasts of burden in the arid and sparsely settled regions of the West prior to the advent of railroads in that section of the country.

Part IV (pp. 139-281), added as an appendix, is merely a reprint of Beale's report of his expedition made to Congress in 1858. The first section of the report begins with the departure of the expedition from San Antonio on June 25, 1857, and ends with its arrival at the Colorado River on October 18, 1857. For this period it parallels Stacey's journal and is more extensive than the journal for the same period. The second section traces Beale's eastward journey from the Colorado River to Fort Defiance, January 23-February 21, 1858, to test the fitness of the camels for a winter journey over the same route. At every step of both the westward and the eastward trips, Beale is loud in his praise of the camels for the purposes for which they were being tested.

Beale's report is here printed for the first time outside the pages of the government records, thus making it easily available to those who do not have ready access to the government documents for this period.

The volume contains a well-arranged bibliography of the chief sources on the subject. It also has an excellent index, and contains several interesting plates and a map of the Southwest, in black and white, tracing the route of the expedition and marking the chief points on the way. The editing of Stacey's journal is very well done, and the format of the work measures up to the high standard of the volumes published by the Harvard University Press. Mr. Lesley has done a fine service to the cause of historical scholarship.

WALTER PRICHARD

Lincoln at Gettysburg. By William E. Barton. (Indianapolis: The Bobbs-Merrill Co., 1930. 263 pp. $4.)

After a brief account, by way of background, of the manner in which Lincoln received the news of the Union victory at Gettysburg, and of the plans for the erection of a national cemetery on the field of that battle, Barton describes Lincoln's preparation of his address, his visit to Gettysburg, the dedication ceremonies, and the contemporary reception of his speech, and then proceeds to an analysis of the sources and structure of the address itself. A number of reminiscences by those who attended the ceremonies, and the oration of Edward Everett, conclude the book.

Dr. Barton finds that Lincoln wrote most of the address before leaving Washington. Nothing was written on the train, but at Gettysburg, the night before the dedication, Lincoln concluded the first draft. The

following morning he made a fair copy from which he read at the ceremonies. Later he made at least four more copies. Dr. Barton accepts the sixth and last, made on March 11, 1864, for a volume entitled *Autograph Leaves of our Country's Authors*, as the definitive text.

Lincoln at Gettysburg contains an interesting summary of the reception accorded the address. There is little reliable evidence that any of the auditors recognized its greatness; and with the exception of a few papers which praised it highly, the press was apathetic. Dr. Barton finds no foundation for the wide belief that the real greatness of the Gettysburg Address was first perceived in England. English commentators spoke well of it, but not before a considerable chorus of approval had been heard on this side of the Atlantic.

In discussing the sources of much-quoted phrases which Lincoln used, Dr. Barton writes with good sense. The words "government of the people, by the people, for the people," have been attributed to various individuals from Webster to Pericles, but the author shows that in all probability Lincoln was indebted for them to Theodore Parker. Parson Weems seems to have been responsible for the words "under God," interpolated when the speech was delivered. Beyond these two phrases, searching for origins is pure guesswork.

A small error on page 163 should be corrected. David Davis, not Isaac N. Arnold, was the administrator of Lincoln's estate.

It is difficult to see how any material addition can be made to Dr. Barton's account of Lincoln at Gettysburg, or how any of his major conclusions can be changed.

PAUL M. ANGLE

A Raft Pilot's Log: A History of the Great Rafting Industry on the Upper Mississippi, 1840-1915. By Walter A. Blair. (Cleveland: Arthur H. Clark, 1930. 328 pp. Illustrations. $6.)

Since Mark Twain disclosed the glamour and romance of steamboating on western waters in his *Life on the Mississippi*, other rivermen have followed his example. In 1889 Captain E. W. Gould produced *Fifty Years on the Mississippi*, in 1909 Captain George B. Merrick wrote *Old Times on the Upper Mississippi*, and now Captain Walter A. Blair brings forth a new book on rafting. Although eclipsed by Mark Twain in literary grace, Blair is no less readable than Herbert Quick and Charles Edward Russell, and he surpasses them in knowledge of detail, breadth of content, and historical accuracy.

In his Introduction the author explains rafting terminology and discusses the sources he has used. As a lad playing about the Galena levee in the 60's, Blair recalls the early river days and sets the stage for the

remainder of his narrative. Prior to 1850, the records of the rafting industry are fragmentary, but Pierre Grignon is known to have had a sawmill in operation on the Wisconsin River as early as 1822. Other sawmills were quickly established on the Black, Chippewa, and St. Croix rivers, and on the Mississippi River above the Falls of St. Anthony. The author is less familiar with this early period. Thus, in stating without qualification that the first lumber was rafted down the Chippewa River in 1831 (p. 33), the author seems unaware of the existence of a sawmill on that river as early as 1823. Until the close of the Civil War rafts were "floated" to the buzzing sawmills in Dubuque, Clinton, Davenport, Keokuk, and even to distant St. Louis.

Then a new era in rafting was ushered in. In 1867 the Beef Slough Boom and Improvement Company was chartered in Wisconsin to "catch, sort, raft, and scale all logs coming down the Chippewa" (p. 47). At that time the output from Beef Slough was only 12,000,000 feet. In 1873 the Mississippi River Logging Company took over the Beef Slough Company and the output rose rapidly to 542,000,000 feet in 1889. Operations were then transferred to West Newton Slough where the rafting of 632,000,000 feet in 1892 marks the peak of the industry. After a steady decline in output from 1892 until 1909 "the exhaustion of the timber supply caused a final shut-down" (p. 33).

For many years prior to the Civil War steamboats pushed log and lumber rafts through Lake Pepin and Lake St. Croix but dropped them as soon as they were through the lakes. The *Le Claire*, the first true "raft-boat," was built in 1866 by Jonathan Zebley for Thomas Doughty at Le Claire, Iowa. The raft-boat quickly became the best means of handling a tow, and soon the "bow-boat" was added to quicken the progress of the raft down-stream. An average of about seventy "rafters" was required annually for the decade ending in 1893. Some rafts were of mammoth size, the *F. C. A. Denkmann* towing one 270 feet wide and 1550 feet long from Lynxville to Rock Island in 1896. Rich profits were reaped by the boats engaged in the rafting trade. During the three seasons ending in 1885 the tiny *J. W. Mills* cleared $14,700 for Captain Blair. The *Ten Broeck* cleared $22,000 in the six years ending in 1891, despite the difficulties encountered during several seasons of low water. The last raft down the Mississippi River was towed from Stillwater by the *Ottumwa Belle* in 1915.

The organization of the book is not above criticism. Beginning with the "Sawmills and Their Owners," the material is almost entirely statistical and could be included in the Appendix. The Appendix proper comprises a list of raft-boats in operation in 1883, 1890, and 1893, together with their owners and masters. This list, the reviewer believes,

could be improved by a generous use of the records in the Steamboat Inspector's Office in Dubuque and St. Louis.

In *A Raft Pilot's Log*, Captain Blair presents from its beginnings the simple story, free of ornate phraseology, of an actor in the great rafting industry. A few minor errors in spelling and punctuation should have been corrected by the editor. The ten portraits and thirty-one views of the logging industry, steamboats, and towns are especially noteworthy. Fort Armstrong, located by Captain Blair on his map of the Mississippi River and its tributaries at Keithsburg, should have been placed at Rock Island. It is unfortunate that footnotes were not used so that the scholar might pursue certain phases of the work with greater facility. Although devoid of the monographic mechanical perfection of the trained scholar, the book will take its place as the best work extant on the great rafting industry of the upper Mississippi, and will always serve as a source to the serious student.

W. J. PETERSEN

Missions and Pueblos of the Old Southwest. By Earle R. Forrest. (Cleveland: Arthur H. Clark Company, 1929. 386 pp. Illustrated. $6.)

In view of the numerous concepts which arise in connection with the geographic term used in the title of this book, it should be stated at once that here "the Old Southwest" means New Mexico and Arizona. The author began riding the cattle ranges of that region more than a quarter of a century ago, and on the basis of his opportunity for visiting remote and comparatively unknown places he has attempted to put together an account of the history, myths, legends, and fiestas of its Spanish missions and Indian pueblos. The theme is an absorbing one, in which the characters range from primitive peoples to twentieth-century promoters; and the plot embodies such scenes as the strange religious rites, ceremonies, and dances of the natives; the indefatigable labors of Spanish missionaries and conquistadores; the bitter conflicts between native and Spaniard; and the coming of the Anglo-American. But the book fails to measure up to the possibilities either as history or as literature.

In the concluding sentence of his Preface Mr. Forrest says: "I have endeavored in this volume to present this material in such form that it will interpret and present the historical facts in such a way as to be helpful to the tourist and visitor to the old Pueblos and missions, as well as to form an authentic record for the student of Southwestern history." If the last clause had been omitted, the book would require no consideration in these pages. For the sight-seeing tourist, bent upon visiting as many places as possible in the shortest possible time — and

upon talking about them afterwards — it should be extremely useful. On starting northward from Santa Fé, he may read chapter iv for a collection of facts on points of interest to San Juan; and if he wishes to go on to Taos, he may use chapter v, and so on. On the other hand, its value to students of southwestern history is negligible. It contains nothing of an historical character which cannot be found in other published works, and the plan of organization tends to confuse rather than to clarify the history of the region. When one finds such a subject as the Pueblo Revolt of 1680, for example, handled not as a single unified topic, but cut up into scraps to fit into a geographic pattern, one is reminded of an old-fashioned patchwork quilt. Thus, we have bits of information about that struggle in at least twelve distinct parts of the book. Nowhere do we get any conception of the unified character of the revolt; and it might be added that the author has apparently never seen the studies on the revolt made by Hackett and published in *The Southwestern Historical Quarterly* in 1911 and 1912. As valuable references for his subject as a whole, he has also overlooked such works as the Benavides *Memorial of 1630* and Hackett's *Historical Documents Relating to New Mexico*, while no attempt seems to have been made to use even that part of the manuscript material which is available in Santa Fé.

His attempts at interpretation are marred by careless generalizations. For example, in his discussion of Taos he says (p. 87): "From that fatal August 10, 1680, when the two priests were murdered, San Geronimo mission was a storm center of revolt until its massive walls were battered down by American artillery over two centuries later." Earlier in the same paragraph he correctly gives February 3, 1847 as the date of the American assault, thus making his "over two centuries" in reality a few months less than 167 years; and on the next page he refutes another part of the same sentence by saying, "From that time [1696] peace reigned between the people of Taos and the Spaniards." The student of history can have little confidence in such writing.

WILLIAM C. BINKLEY

Principles of Judicial Administration. By W. F. Willoughby. (Washington: The Brookings Institution, 1929. xxii+662 pp.)

"The present volume has for its aim to subject the whole problem of the administration of justice, as it confronts the United States, to critical examination for the purpose of making known the nature of this problem and the means by which it can best be met" (p. xi). This purpose of the author has been splendidly achieved. The treatise is well balanced in proportion, comprehensive in scope, sane and judicial in criticism and judgment, and both lucid and readable in style. Dr.

Willoughby is at home in the literature of the subject and has made discriminating use of the available materials. When it is recalled that this is the first attempt at a comprehensive statement of the problems of judicial administration, the book must be regarded as a notable achievement.

The reviewer feels that martial law as a means of law enforcement was unduly slighted and that perhaps the problem of state police might have received fuller consideration, but these are minor matters of personal judgment.

The real significance of the volume, however, is to be found in the striking challenge that it sounds to research scholars in the whole field of social science. One cannot read the work without being impressed with the magnificent opportunities afforded for scientific research that would be of immense practical importance and of great scientific significance. It is interesting to note that many of the research problems will of necessity involve coöperative efforts between the traditional social disciplines, and that the most ambitious researcher will find in these problems an adequate challenge to his creative and scientific genius in evolving the new methods, techniques, and skills that will be required.

The publication of this excellent volume ought to mark the beginning of new interest in this important but neglected field. The author's success in achieving a unified approach to the varied and diverse angles of judicial administration adds greatly to the value and significance of the work.

ARNOLD BENNETT HALL

Town Government in Massachusetts (1620-1930). By John F. Sly. (Cambridge: Harvard University Press, 1930. viii+244 pp. $2.50.)

To the political scientist and to the layman, as well, New England towns and town governments have held a mysterious fascination, and at the same time the rites of the town-meeting have possessed an almost sanctosanct position.

Dr. Sly is particularly well fitted to undertake a study of this element of our political life, and to interpret the symbolism or non-symbolism of Plymouth, and New England towns in general. He has lived and worked in the New England town. He has sat in and participated in the town-meeting. The actual records of meetings of three centuries have been available to him. With this equipment the author has done several interesting and valuable things. He has made an institutional study. He has analyzed and appraised the contemporary town-meeting. He has proved that the symbolism of Plymouth is perhaps not as meaningful as we have believed.

The book has a curious and yet logical arrangement and sequence of subject matter. Dr. Sly begins by doubting the sanctity of the Plymouth symbolism. Having done this he proceeds in chapter i with patient, almost plodding, narration of the settlement of New England, the dates, the sponsors, the locations, "the survival of the fittest," be they towns or townsmen.

Chapter ii is a narration of institutional beginnings. Here the author bases the organic origins and makes the institution live. The same careful and thoughtful reading and analysis of town records is in evidence.

Strangely enough, the most valuable contribution is chapter iii, entitled "A Critique of Town Origins." In this chapter Dr. Sly evaluates — in the light of his own findings — the theories of each succeeding generation. He summarizes and classifies the ideas. Yet at all times the author shows rare judicial tolerance in making no real effort to "put over" his own conclusions.

The titles of the next few chapters are: "The Town of the Eighteenth Century," "The Old Town and the New Social Order," "The Town Meeting Today," "The Limited Town Meeting," and "Improving the Administration." These are self-explanatory. They involve an historical and almost chronological study of town government. The suggested improvements are of little value outside of New England, unless it be to prove that Dr. Sly has "thought through" his data and material.

The final chapter, "Past and Present," while interesting, is also too local to be of great value to those outside of New England. The book is well written, well printed, and fairly well bound. The footnotes are copious, and well selected. However, for those of us far from the sources cited, more actual quotations from the records and other original documents would be of real value.

Dr. Sly has made a contribution to the study of American institutions, and to the study of political science.

JAY J. SHERMAN

The Recovery of Germany. By James W. Angell. (New Haven: Yale University Press, 1929. xix+425 pp. $4.)

This is a comprehensive and authoritative statement of Germany's economic life since 1918. The study was undertaken under the joint auspices of the Council on Foreign Relations and the Columbia University Council for Research in the Social Sciences. The author was in Germany in 1928-29, conversed with people in public and private life, visited industrial plants, and used many official and unofficial compilations bearing on the financial and industrial conditions since the war. He shows: (1) how the economic life of Germany was paralyzed by the

Revolution of 1918-19, by the adverse terms of the Treaty of Versailles, by the uncertainty of the Reparations exactions, by the invasion of the Ruhr, by the inflation of the mark and its collapse; (2) how the Dawes Plan made possible the economic reconstruction of Germany; (3) how most of the industries in Germany have recovered since 1924, and how the Young Plan brings further advantages to Germany's economic life.

By means of foreign loans Germany has been able to "rationalize" her industrial plants, standardize her products, simplify the management, improve her industrial organization. In the ceded territories she lost many industrial plants; their place has been taken by new, modern plants; the average age of her industrial plants is probably now less than in any country of the world. Her industrial strength is now greater than that of any other continental country; in a number of important lines she has passed even Great Britain. Although she has regained the largest part of the world leadership she enjoyed before the war, her foreign trade in 1928 was 11 per cent smaller than in 1913, allowing for the change in commodity values; her share in world trade has dropped from 13 to 9 per cent of the total, whereas the United States has increased her share from 11 to 16 per cent in 1927. Germany's biggest export market is still Europe; Great Britain remains her best customer, but she is increasing her exports to the smaller countries quite markedly.

Her unfavorable trade balance has remained much the same as in pre-war times. Before the war this deficit was met by the income from her foreign investments; she lost these by the Treaty of Versailles, and since the war the trade deficits have been made good by foreign borrowings. Although her foreign trade conditions are improving it will be a long time before she will be able to raise exports to the level of her imports. Hence, foreign borrowings will need to continue a long time. Many of the foreign loans are now, and will continue to be, short-term loans, which may jeopardize Germany's financial structure.

The economic condition of the working classes is not so good as it was in 1913, except that unskilled labor has improved its position somewhat; skilled laborers are no better off than in pre-war years, and are perhaps worse. The average German workman is distinctly not so well off as the workers of England, Holland, Denmark, Sweden, or Switzerland, but is about as well off or a little better off than the French, Belgian, or Italian laborers, and much better off than those of Austria, Czecho-Slovakia, Poland, or the Eastern Baltic countries.

There is an excellent chapter on the Young Plan and its present and probable future effect upon Germany's economic life. The average annuity that Germany must pay to the creditor nations is one-fifth smaller than under the Dawes Plan. There is now a terminal point for payments,

the year 1988. If the United States reduces its debt claims against the Allies, Germany is to get two-thirds of the benefit in the first thirty-seven years in the form of a reduction of her Reparations account, and the Allies one-third, but in the last twenty-two years Germany gets all the benefit. (The Young Plan assumes that there is an interdependence of Reparations and Inter-Ally debts.) The first year's annuity in 1930 will be only 2.6 per cent of Germany's national income, as estimated for 1928. The author conjectures that the Young Plan exactions will probably be revised downward later. If Germany succeeds in meeting her obligations, she will be an annoying competitor of the creditor powers. In any case Germany must continue her foreign borrowings for some time to come, but her borrowings must be reduced and ultimately stopped, especially when domestic savings have increased to the point at which her capital needs are met. She must at the same time increase her exports so that they are equal to or less than her imports. The recovery thus far achieved gives promise, of Germany's probable ability to meet all her obligations, but the road will be fraught with difficulties.

C. C. ECKHARDT

The American Legion in Iowa, 1919-1929. By Jacob Armstrong Swisher. (Iowa City: State Historical Society, 1929. xi+303 pp. Illustrations. $3.)

The "Iowa Idea" is a well-known phrase to students of recent American history. But now another slogan has been coined, "Iowa Leads the Legion." And when one lays down Mr. Swisher's little volume, he is inclined to accept this statement at its face value. This study gives us, however, much more than the history of the American Legion in Iowa. The author takes us back to its birth in Paris, February 15, 1919, and then traces in some detail its growth through the past ten years. Chapters on "The National Conventions"; "Adjusted Compensation"; "Disabled Veterans"; "Endowment Fund"; and others, could be read with profit by legionnaires in any of the forty-eight states.

During the first ten years, the American Legion has made considerable history. Its influence has been felt in many directions. The author would have us understand that it has constantly fought shy of political movements. But it has taken a very decided stand on many questions. Adjusted compensation, rehabilitation, care of the disabled, restricted immigration, and preparedness, are the chief problems with which the Legion as a whole has been concerned. One of the best chapters deals with the disabled veterans. The history of rehabilitation is traced from the time it was first launched in Belgium, France, and England, until it was later taken up in the United States. These chapters could be read

with profit by students everywhere, interested in recent American history. A brief history of the Smith-Hughes Federal Vocational Education Act of 1914 is given, — together with the Smith-Sears Vocational Rehabilitation Bill of 1918. The history of the War Risk Insurance Act of October 6, 1917, is also given.

The chapter on Adjusted Compensation furnishes an interesting illustration of the political influence of the Legion. In spite of the vetoes of Presidents Harding and Coolidge, and the influence of Secretary of the Treasury Mellon and the United States Chamber of Commerce, the Legion finally won out, and secured the passage of the Adjusted Compensation Act.

That the American Legion is a good lobbyist is evidenced in many places throughout this volume. One example is given of its members appearing before Congress in advocating an increase in veterans' pay. "H. H. Raegge of Texas, a member of the Legislative Committee who left a leg in the Argonne, took a street-car out to Walter Reed hospital and brought back a half-dozen wounded soldiers and attached them to the Legion party. After Senator Reed Smoot, Uncle Joe Cannon and other statesmen had regaled the Legionnaires with some very choice oratory which was entertaining but dodged the issue with reference to the immediate passage of the Sweet bill, Thomas W. Miller, chairman of the Legion's national legislative committee, introduced the disabled men" (119). Nine days later the bill was passed and signed by the President.

The state of Iowa believed in liberally rewarding her World War veterans. The Iowa Soldier Bonus Bill was passed by the Thirty-ninth General Assembly, unanimously in both houses. Upon being submitted to the people of the state for popular approval, it was ratified by a 2 to 1 vote, receiving a majority in every county in the state. Approximately 110,000 men and women of Iowa received compensation under this act.

One of the interesting movements sponsored by the Legion in Iowa was a campaign for education — particularly education in Americanism. The Legion took upon itself the work of seeing that proper history texts should be used in the public schools of that state. They supervised the preparation of a two-volume *History of the United States* for use in the junior high schools. There is no doubt as to its purpose, for it is boldly set forth in these words, "to tell the truth bravely, but not boastfully, preserving old tales of devotion and heroism, but not ignoring national errors." The Legion claims credit for persuading the General Assembly of Iowa to pass an act (1921) requiring that a regular course of instruction in the history of the Constitution of the United States and Iowa, be given in all the public and private schools.

The chapter on the American Legion Auxiliary, an association of

mothers, wives, sisters, and daughters of ex-service men, is included in this volume. Here again Iowa ranks first in the number of auxiliary members. The Women's Auxiliary of that state has had a remarkable growth. Starting with a membership of approximately 7,000 in 1921, it numbered over 24,000 in 1928.

Perhaps the distinguishing feature of the work of the American Legion in Iowa has been the spread of the "Iowa Idea," which means *service to the community*. The local posts interested themselves in such enterprises as city planning, betterment of public schools, recreation, park and playground facilities, support of the Boy Scout work, free medical clinics, free municipal music concerts — in fact any enterprise that was to further the well-being, health and happiness, of the community. Interest in such work was stimulated by the awarding of numerous trophies to the most active posts. One reads of at least five different trophies that were proposed for various activities (216-17). An appendix giving a list of the department offices, together with a list of all the district committeemen from 1919 to the present, and the location and names of all the American Legion posts in Iowa concludes the volume.

In keeping with the other publications of the State Historical Society of Iowa, this volume is almost perfect from the standpoint of mechanical and editorial workmanship.

JOHN W. OLIVER

Our Business Civilization, Some Aspects of American Culture. By James Truslow Adams. (New York: Albert and Charles Boni, 1929. 306 pp. $3.)

Toward Civilization. Edited by Charles A. Beard. (New York: Longmans, Green and Company, 1930. vii+307 pp. $3.)

Mr. Adams's book is made up of articles which have appeared in *Harper's Monthly*, the *Atlantic Monthly*, the *Forum*, the *Saturday Review of Literature*, and *McNaught's Monthly* and have been elaborated somewhat for book publications. The author makes it clear that he does not intend the work as a balanced discussion of all aspects of culture. In his own metaphor, he is talking of prunes and cucumbers, although at some other time he may talk of strawberries.

The general thesis of the book is developed along the following line of argument. The United States is the most advanced among the nations in perfecting the methods of mass production in business. It is quite backward, however, in cultivating the arts, literature, and the social graces, as well as in the practice of government. Lawlessness is one of the American heritages, and democracy tends to reduce to its mass-level those who are expected to uphold the more ideal standards.

Although the United States is rich, its people as individuals are poor. In other words, national prosperity with its "highest standard of living in the world" is achieved at the cost of the individual citizen. While income increases, living cost increases relatively faster, except among the richest classes. The price of each unit of a commodity is reduced, but wants and kinds of commodities are multiplied and the costs of services are increased until personal saving is all but impossible.

The want of culture in the United States is usually excused on the ground that "America is young," but Mr. Adams will have none of it, and he defends his view rather effectively. He points out that the expanding geographical frontier came to an end about 1890, but the American people then began an even more furious pursuit of another frontier — a higher standard of living. While the geographical frontier was limited by the Pacific Ocean, the standard of living frontier has no apparent bounds. The "business man's civilization" has produced an American citizen whose energies are absorbed by his effort to satisfy physical wants and to make income balance ever-increasing expenditures, consequently he has no leisure to devote to the art of living.

Among those Americans who do not possess faith enough in Prosperity to feel certain that this month's income will be sufficient to pay last month's past-due bills, Mr. Adams should find sympathetic readers — providing they can borrow the book. According to the publisher's announcements a great number of Americans have bought the book whether they could afford it or not, and in this way Mr. Adams may have contributed inadvertently to the conditions which he condemns.

The book edited by Charles Beard under the title, *Toward Civilization*, is a companion volume to one that appeared recently under the title *Whither Mankind*. The latter book was written by a group of observers whose analysis of the effect of machines upon civilization contained much adverse criticism. The volume under review is written by engineers, technologists, industrialists, and scientists who are active in their professions, and their purpose is to present a defense of machines.

There seems to be confusion in the minds of some of the authors regarding the nature of the indictment, because eight of the fifteen put into their chapters little more than enumeration and description. They offer information but little interpretation. The adverse critics of machine civilization will scarcely quarrel with these matter-of-fact statements of material accomplishments. The writers mistake the mere accumulation of things for progress, and the production of a multitude of commodities at a low price for a higher type of civilization, when no amount of labor-saving devices or combinations of fine machines or their products can substitute for quality of mind.

Of the other seven authors a more favorable report can be made. Ralph E. Flanders writes of "The New Age and the New Man," Elmer A. Sperry of "The Spirit of Invention," C. F. Hirshfield of "Power," Richard F. Bach of "Art in the Market Place," Stephen F. Voorhees and Ralph T. Walker of "The Machine and Architecture," Lillian M. Gilbreth of "Work and Leisure," and Harvey N. Davis of "Spirit and Culture under the Machine." For the most part these writers are critical of the past results of the machine civilization. Their defense tends to resolve itself into an interpretation of some of the newer trends in which a chastened spirit of public responsibility is being assumed by some masters of machines for the influences of their product on life. A telling criticism is made also of the critics of machines. These fault-finders assume that the ideals of the past civilization are eternal verities, when it is quite as reasonable to believe that they are sometimes as antiquated as the material realities out of which they sprang. Is it not necessary for machine civilization to create its own ideals of beauty and fitness? These have never been struck off in a day or in a generation in other ages and the machine age is still relatively new.

Even though no two persons will agree on the essentials of civilization, machine or otherwise, any more than they will agree on what constitutes an education, such books as these can do no harm and they may contribute something. The fact that publishers find so large a market of this kind may be an item in itself that should be entered on the credit side of the account-book of this machine civilization.

JAMES C. MALIN

EDITORIAL

At the time our valedictory was penned for publication in the June issue of this REVIEW, we had no idea upon whom the editorial mantle would descend, nor any suspicion that we would again appear in the rôle of editor. At the annual meeting of the Association in Chattanooga, Professor Arthur C. Cole was elected managing editor of the REVIEW. Mr. Cole's existing engagements were such as to render it inconvenient for him to assume immediately the editorial office, and in response to his request the former editor has continued functioning until the publication of the September issue of the REVIEW. Mr. Cole's actual editorship, therefore, will begin at this time. Alike for the brickbats and the bouquets (if any) which the present issue may provoke, the retiring editor and his associate, Miss Rau, are responsible.

Coincident with the assumption of the editorship of the REVIEW, Mr. Cole is transfering from Ohio State University to Western Reserve, in Cleveland. The latter institution has taken over the rôle which the Detroit Public Library is vacating, of supplying the cost of editorship of the REVIEW to the Association. The Association may indulge a feeling of satisfaction over the fact that five great mid-western universities were desirous of assuming the sponsorship of the REVIEW which has fallen to Western Reserve. A more convincing testimonial of the position it has won in the esteem of the scholarship of the Mississippi Valley could not easily be supplied. — M. M. QUAIFE

DIRECTORY OF CONTRIBUTORS

Archibald Henderson ("A Pre-Revolutionary Revolt in the Old Southwest"), a man of varied interests, is professor of mathematics and head of the department at the University of North Carolina.

James L. Sellers ("Republicanism and State Rights in Wisconsin"), assistant professor of history at the University of Wisconsin, is teaching at the University of Nebraska during the current academic year.

John Carl Parish ("The Intrigues of Doctor James O'Fallon") is professor of American history at the University of California in Los Angeles.

J. B. Sanders ("John Fiske") recently of the history faculty of the University of Chicago, is assistant professor of history at the University of Alabama. The present study of John Fiske was worked out in the historical seminar of Professor M. W. Jernegan of Chicago.

M. M. Quaife ("The Smallpox Epidemic on the Upper Missouri") presents herewith his final contribution in the capacity of managing editor of this REVIEW.

REVIEWERS OF BOOKS

Mabel Clare Weaks is a member of the historical staff of the New York Public Library. Frank L. Owsley is professor of history at Vanderbilt University. Thomas Robson Hay is a civil engineer, residing in Great Neck, N. Y., who pursues the study of military history as an avocation. Merrill E. Gaddis is professor of history at Central College, Fayette, Mo. Orin G. Libby is professor of history at the University of North Dakota. W. T. Morgan is professor of English history at Indiana University. LeRoy R. Hafen is historian and curator of the State Historical Society of Colorado. Walter Prichard is professor of history and head of the department at Louisiana State University. Paul M. Angle is executive secretary of the Abraham Lincoln Association, Springfield, Ill. W. J. Petersen is a University fellow at the University of Iowa. William C. Binkley, recently professor of history at Colorado College, is professor and head of the department of history at Vanderbilt University. Arnold Bennett Hall is president of the University of Oregon. Jay J. Sherman is professor of political science at the College of the City of Detroit. C. C. Eckhardt is professor of history at the University of Colorado. John W. Oliver is professor of history and head of the department at the University of Pittsburgh. James C. Malin is professor of American history at the University of Kansas.